

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

06/20/2005

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 03/30/2005.

TITLE: Data Collection on Marine Protected and Managed Areas

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0449

EXPIRATION DATE: 06/30/2008

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	1,000	5,000	0
New	500	2,500	0
Difference	-500	-2,500	0
Program Change		0	0
Adjustment		-2,500	0

TERMS OF CLEARANCE: None

OMB Authorizing Official	Title
Donald R. Arbuckle	Deputy Administrator, Office of Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

SUPPORTING STATEMENT DATA COLLECTION ON MARINE PROTECTED AND MANAGED AREAS OMB CONTROL NO. 0648-0449

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Executive Order 13158 directs the Department of Commerce and the Department of the Interior (DOI) to work with partners to strengthen the protection of U.S. ocean and coastal resources by developing a national system of marine protected areas. In order to develop that system, the National Oceanic and Atmospheric Administration and DOI have determined that it is necessary to first inventory those areas, in order to comply with EO 13158. The United States has different levels of protections and management regimes at many levels of government. State, local, territorial, and tribal governments have different ways in which they protect their marine environment. Information about these areas has not been centralized or organized in a coherent way. Indeed, very little is known about the interaction between these management units and federal government programs. A comprehensive data collection is needed to provide the federal government, its partners and the American people with information about their marine resources and the conservation and management of those resources. This data collection has been in progress for the last three years and will continue for another three years in order to complete the preliminary data set. Participants may also provide updates or corrections to their data if it changes or as they see appropriate.

2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.

The information will be used by federal, state, local, territorial, and tribal governments as well as non-governmental organizations, universities, and individuals for scientific research and management purposes. The information will be used to glean basic information about the United States' marine and coastal waters, such as the area that is explicitly managed or protected, what protections exist and where, and how these management areas are related to each other. Additionally, this information will be used to improve management of these areas and allow for more efficient communication between management entities. The data will be provided on the website, mpa.gov, where federal areas and several states that have responded are available. Examples of how the data will be presented can be seen in the Site Profiles on <http://mpa.gov>.

Specifically, Section I collects general information about the site, for example name, jurisdiction, and where additional information might be found. Section II addresses one of the key components of marine protected areas, that they have definable boundaries. It also gathers key information about the size of the area and requests existing images of maps or geographic information systems (GIS) files. Section III collects regulatory information, another component of EO 13158: that the sites must have regulations that establish the site and that the site provides protection for the resources therein beyond

existing protections that those resources would enjoy outside the area. Section IV collects information on the responsible management agency or entity as well as how the site is related to other sites at the same or another management level. Finally, Section V asks questions about specific management regimes within the site. Many marine management areas have multiple zones of diverse uses and Section Va addresses this issue. Section Vb addresses specific resources and their protections including endangered species.

Also see the attached help file “Information and Examples”, which provides additional information and explanation for each question.

The information collection is designed to yield data that meet applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554. Metadata is being created to order to organize the data, make it more easily retrievable, and further ensure its quality.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The collection tool has been updated and improved, remaining fully automated. Respondents may now access the data collection survey via a password protected, secure Data Entry and Editing website. The respondent fills in the data online and this is automatically updated in a SQL Server Database. Resulting aggregate information by subject and geographic area is available over the Internet at <http://mpa.gov>.

4. Describe efforts to identify duplication.

Respondents for each site will be identified and specifically targeted. In some cases, regional coordination will be voluntarily provided by non-governmental organizations, such as the Coastal States Organization. Comprehensive data collection has not occurred for these sites previously. Library and internet searches, as well as ongoing conversations with interested parties, has revealed that the information proposed for collection is both currently absent and needed for improved management and understanding of coastal and marine resources.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

Data collection currently involves states only; we plan to include local, territorial and tribal governments at a later stage. We have been working with Coastal States Organization (CSO), who has supplied student interns to assist states with collecting the data.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

Data will be collected once for each site, however, respondents are able to provide updates or edits to their data as appropriate. An extension is needed in order to complete the data collection. If data are not collected, the marine protected inventory process will not be able to proceed, and the public will not receive vital information about their coastal and ocean resources and the protection and management of those resources.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

Collection will be conducted consistent with OMB guidelines.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Representatives from the Department of the Interior have reviewed the form as well as members of regional fisheries offices. These representatives were encouraged to comment on the usability of the form.

A Federal Register Notice (copy attached) solicited public comment on this collection. One comment was received. In summary, the comment criticized federal agencies for collecting data instead of immediately proceeding with establishment of additional marine protected areas. NOAA and DOI have established a process for responding to Executive Order 13158 and this process has been developed with input from federal and state agencies.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

Gifts or payments are not currently planned.

10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

There will be no assurance of confidentiality. This will be clearly stated on the Paperwork Reduction Act information associated with the form (see attached).

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

There are no questions of a sensitive nature included in the survey.

12. Provide an estimate in hours of the burden of the collection of information.

The total estimated responses are 3000 – in the first three years about half of this data was compiled. During the extension, another 1,500 responses are estimated. This is the result of estimating the number of first state, then local, territorial and tribal entities that will respond. State governments will be approached first, followed by territorial and tribal governments, and local governments. It will take respondents an estimated 5 hours per response, based on federal agencies who have filled out the form. This estimate includes research time as well as time to fill out the form. There will be an estimated 2500 burden hours per year. The data collection was not complete in the first three years, therefore an extension is necessary to complete the data collection for the remaining federal, state, commonwealth and territorial governments, as well as to initiate the tribal and local government data collection.

13. Provide an estimate of the total annual cost burden to the respondents or recordkeepers resulting from the collection.

There will be no financial cost associated with completing the survey.

14. Provide estimates of annualized cost to the Federal government.

\$0. This survey is part of a greater Inventory effort, and as such it will fall under regularly scheduled Inventory activities.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This will be a continued effort and no program changes are reported. The difference in burden hours reflects the progress of the collection of information.

16. For collections whose results will be published, outline the plans for tabulation and publication.

Results from the first three years of data collection are tallied and compiled in a database currently housed at the National Ocean Service in Silver Spring, Maryland. The information is currently available on the website: mpa.gov. New data collected during the extension will be added to this database and available on the web.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

No approval will be sought to not display the expiration date.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

There are no exceptions to the certification statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This data collection does not employ statistical methods.

Dated: January 7, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-839 Filed 1-13-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011105D]

Proposed Information Collection; Comment Request; Northwest Region Vessel Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before March 15, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Jamie Goen, NMFS, 7600 Sand Point Way NE, Seattle, WA 98115 (phone 206-526-4646).

SUPPLEMENTARY INFORMATION:

I. Abstract

The success of fisheries management programs depends significantly on regulatory compliance. The vessel identification requirement is essential to facilitate enforcement. The ability to link fishing or other activity to the vessel owner or operator is crucial to enforcement of regulations issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act. A vessel's official number is required to be displayed on the port and starboard sides of the deckhouse or hull, and on a weather deck. It identifies each vessel and should be visible at distances at sea and in the air. Vessels that qualify for particular fisheries are readily

identified, gear violations are more readily prosecuted, and this allows for more cost-effective enforcement. Cooperating fishermen also use the number to report suspicious activities that they observe. Regulation-compliant fishermen ultimately benefit as unauthorized and illegal fishing is deterred and more burdensome regulations are avoided.

II. Method of Collection

Fishing vessel owners physically mark vessel with identification numbers in three locations per vessel. No information is collected.

III. Data

OMB Number: 0648-0355.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations (fishermen in the Open Access and Limited Entry Pacific Coast Groundfish Fishery).

Estimated Number of Respondents: 1,693.

Estimated Time Per Response: 45 minutes (15 minutes per marking).

Estimated Total Annual Burden Hours: 1,270 hours.

Estimated Total Annual Cost to Public: \$59,255 (\$35 per vessel).

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 7, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-840 Filed 1-13-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011005C]

Proposed Information Collection; Comment Request; Data Collection on Marine Protected and Managed Areas

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 15, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Lani Watson, Special Projects Office, National Oceanic and Atmospheric Administration, SSMC4, 1305 East West Highway, Room 9431, Silver Spring, MD 20910, or via email at Lani.Watson@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

Executive Order 13158 directs the Department of Commerce and the Department of the Interior to work with partners to strengthen the protection of U.S. ocean and coastal resources by developing a national system of marine protected areas. The Departments of Commerce and the Interior plan to work closely with state, territorial, local, and tribal governments, as well as other stakeholders, to identify and inventory the Nation's existing marine protected areas. Toward this end, the National Oceanic and Atmospheric Administration (NOAA) and the Department of the Interior (DOI) have created a dataform, available on a password protected website, to be used as a survey tool to collect and analyze information on these existing sites. This survey will allow NOAA and DOI to

better understand the existing protections for marine resources within marine protected areas in the United States. This information would also support activities on marine protected areas by state and local governments, tribes, and other interested parties. The survey contains directed questions regarding the location, management and enforcement authorities, types of protections and restrictions, and the length of time those protections or restrictions are in place for each marine protected area. Basic information about the resources and activities at the sites will also be collected. It is expected that site managers from each marine protected area will fill out the survey. The collected information will be housed in a searchable database that will be made available to the public via the marine protected area website at mpa.gov. The survey has been in use for the last three years and this notice proposes to extend the data collection time period.

II. Method of Collection

The information will be collected using a dataform, available on a password protected website. This allows users to enter data at their own pace. The survey contains extensive embedded help and glossary files, as well as required Paperwork Reduction Act information.

III. Data

OMB Number: 0648-0449.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local, or tribal government.

Estimated Number of Respondents: 1,000.

Estimated Time Per Response: 5 hours.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost to Public: \$0.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques

or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 7, 2005.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 05-841 Filed 1-13-05; 8:45 am]

BILLING CODE 3510-08-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011005F]

Proposed Information Collection; Comment Request; Gear-Marking Requirements in Antarctic Waters

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 15, 2005.

ADDRESSES: Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 66625, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via Internet at dHynek@doc.gov).

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Robin Tuttle, F/ST3, Room 12643, SSMC-3, 1315 East-West Highway, Silver Spring, MD 20910-3282 (phone 301-713-2282, ext. 199).

SUPPLEMENTARY INFORMATION:

I. Abstract

U.S. vessels participating in Antarctic fisheries must mark their fishing gear with the vessel's official identification number, Federal permit or tag number, or another approved form of identification. The information on the

gear is used for enforcement of fishery regulations.

II. Method of Collection

Identification information is displayed on fishing gear. No information is collected.

III. Data

OMB Number: 0648-0367.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations, and individuals and households.

Estimated Number of Respondents: 3.

Estimated Time Per Response: 5 minutes to mark buoys or floats; 2 minutes to mark traps, pots, or trawl gear.

Estimated Total Annual Burden Hours: 30.

Estimated Total Annual Cost to Public: \$900.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 7, 2005.

Gwellnar Banks,

Management Analyst, Office of Chief Information Officer.

[FR Doc. 05-842 Filed 1-13-05; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011005G]

Proposed Information Collection; Comment Request; Southeast Region Gear Identification Requirements

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

Presidential Documents

Executive Order 13158 of May 26, 2000

Marine Protected Areas

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the National Marine Sanctuaries Act (16 U.S.C. 1431 *et seq.*), National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd-ee), National Park Service Organic Act (16 U.S.C. 1 *et seq.*), National Historic Preservation Act (16 U.S.C. 470 *et seq.*), Wilderness Act (16 U.S.C. 1131 *et seq.*), Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), Coastal Zone Management Act (16 U.S.C. 1451 *et seq.*), Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), Marine Mammal Protection Act (16 U.S.C. 1362 *et seq.*), Clean Water Act of 1977 (33 U.S.C. 1251 *et seq.*), National Environmental Policy Act, as amended (42 U.S.C. 4321 *et seq.*), Outer Continental Shelf Lands Act (42 U.S.C. 1331 *et seq.*), and other pertinent statutes, it is ordered as follows:

Section 1. Purpose. This Executive Order will help protect the significant natural and cultural resources within the marine environment for the benefit of present and future generations by strengthening and expanding the Nation's system of marine protected areas (MPAs). An expanded and strengthened comprehensive system of marine protected areas throughout the marine environment would enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations. To this end, the purpose of this order is to, consistent with domestic and international law: (a) strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs; (b) develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and (c) avoid causing harm to MPAs through federally conducted, approved, or funded activities.

Sec. 2. Definitions. For the purposes of this order: (a) "Marine protected area" means any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

(b) "Marine environment" means those areas of coastal and ocean waters, the Great Lakes and their connecting waters, and submerged lands thereunder, over which the United States exercises jurisdiction, consistent with international law.

(c) The term "United States" includes the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands.

Sec. 3. MPA Establishment, Protection, and Management. Each Federal agency whose authorities provide for the establishment or management of MPAs shall take appropriate actions to enhance or expand protection of existing MPAs and establish or recommend, as appropriate, new MPAs. Agencies implementing this section shall consult with the agencies identified in subsection 4(a) of this order, consistent with existing requirements.

Sec. 4. National System of MPAs. (a) To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department

of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies shall develop a national system of MPAs. They shall coordinate and share information, tools, and strategies, and provide guidance to enable and encourage the use of the following in the exercise of each agency's respective authorities to further enhance and expand protection of existing MPAs and to establish or recommend new MPAs, as appropriate:

(1) science-based identification and prioritization of natural and cultural resources for additional protection;

(2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits;

(3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment;

(4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate;

(5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs;

(6) identification of emerging threats and user conflicts affecting MPAs and appropriate, practical, and equitable management solutions, including effective enforcement strategies, to eliminate or reduce such threats and conflicts;

(7) assessment of the economic effects of the preferred management solutions; and

(8) identification of opportunities to improve linkages with, and technical assistance to, international marine protected area programs.

(b) In carrying out the requirements of section 4 of this order, the Department of Commerce and the Department of the Interior shall consult with those States that contain portions of the marine environment, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, tribes, Regional Fishery Management Councils, and other entities, as appropriate, to promote coordination of Federal, State, territorial, and tribal actions to establish and manage MPAs.

(c) In carrying out the requirements of this section, the Department of Commerce and the Department of the Interior shall seek the expert advice and recommendations of non-Federal scientists, resource managers, and other interested persons and organizations through a Marine Protected Area Federal Advisory Committee. The Committee shall be established by the Department of Commerce.

(d) The Secretary of Commerce and the Secretary of the Interior shall establish and jointly manage a website for information on MPAs and Federal agency reports required by this order. They shall also publish and maintain a list of MPAs that meet the definition of MPA for the purposes of this order.

(e) The Department of Commerce's National Oceanic and Atmospheric Administration shall establish a Marine Protected Area Center to carry out, in cooperation with the Department of the Interior, the requirements of subsection 4(a) of this order, coordinate the website established pursuant to subsection 4(d) of this order, and partner with governmental and non-governmental entities to conduct necessary research, analysis, and exploration. The goal of the MPA Center shall be, in cooperation with the Department of the Interior, to develop a framework for a national system of MPAs, and to provide Federal, State, territorial, tribal, and local governments with the information, technologies, and strategies to support the system. This

national system framework and the work of the MPA Center is intended to support, not interfere with, agencies' independent exercise of their own existing authorities.

(f) To better protect beaches, coasts, and the marine environment from pollution, the Environmental Protection Agency (EPA), relying upon existing Clean Water Act authorities, shall expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment. Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards. The EPA shall consult with the Federal agencies identified in subsection 4(a) of this order, States, territories, tribes, and the public in the development of such new regulations.

Sec. 5. *Agency Responsibilities.* Each Federal agency whose actions affect the natural or cultural resources that are protected by an MPA shall identify such actions. To the extent permitted by law and to the maximum extent practicable, each Federal agency, in taking such actions, shall avoid harm to the natural and cultural resources that are protected by an MPA. In implementing this section, each Federal agency shall refer to the MPAs identified under subsection 4(d) of this order.

Sec. 6. *Accountability.* Each Federal agency that is required to take actions under this order shall prepare and make public annually a concise description of actions taken by it in the previous year to implement the order, including a description of written comments by any person or organization stating that the agency has not complied with this order and a response to such comments by the agency.

Sec. 7. *International Law.* Federal agencies taking actions pursuant to this Executive Order must act in accordance with international law and with Presidential Proclamation 5928 of December 27, 1988, on the Territorial Sea of the United States of America, Presidential Proclamation 5030 of March 10, 1983, on the Exclusive Economic Zone of the United States of America, and Presidential Proclamation 7219 of September 2, 1999, on the Contiguous Zone of the United States.

Sec. 8. *General.* (a) Nothing in this order shall be construed as altering existing authorities regarding the establishment of Federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.

(b) This order does not diminish, affect, or abrogate Indian treaty rights or United States trust responsibilities to Indian tribes.

(c) This order does not create any right or benefit, substantive or procedural, enforceable in law or equity by a party against the United States, its agencies, its officers, or any person.



THE WHITE HOUSE,
May 26, 2000.

Marine Protected Areas of the United States

Introduction to the Data Entry Form

[Go to Main Menu](#) | [About the MPA Initiative](#) | [About the MPA Inventory](#)

Please note that there is a printable file of the data entry questionnaire and also a printable file with explanations and examples for each question in the questionnaire. These two files are in Adobe Acrobat (pdf) format and are located within the same folder this questionnaire is located in. The two files are called [Inventory_Data_Form.pdf](#) and [Inventory_Explanations.pdf](#).

Purpose and Scope

Welcome to the U.S. Marine Protected Areas (MPA) inventory data entry form. This is the official data entry form for submitting information on marine protected areas in U.S. ocean waters, coastal bays and estuaries, coastal intertidal waters, and the Great Lakes.

The purpose of this form is to collect information needed to develop a comprehensive inventory of *existing* Marine Protected Areas (see [About the MPA Inventory](#)) in the United States and territorial waters. The information collected will be used to better understand the status and nature of existing MPA's, provide information and tools for environmental assessments, and better coordinate and manage the existing system of MPA's.

Paperwork Reduction Act Information

This effort is in compliance with the Paperwork Reduction Act of 1995 in order to solicit information from persons not employed by the U.S. Federal Government. The Office of Management and Budget has given clearance and approval to NOAA and DOI to use this survey tool to request state, local and tribal marine management agencies/organizations to fill out the form to provide information to the U.S. marine managed areas database and inventory.

OMB Control #

Expires:

Responding to this data entry form is voluntary and no personal information is requested. However, confidentiality is not promised in the submission of this survey. Public reporting burden for this collection of information is estimated to average 5 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Daniel R. G. Farrow (*see contact information at bottom*).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

About the Form and Filling in Information

Organization of the Form

The form is organized into five major sections:

1. General Site Information - site name, type, purpose, description, etc.
2. Site Description - location and size
3. Legal Authority and Regulations - laws and regulations, dates of significance
4. Site Management - managing agency, enforcement, programs/plans, etc.
5. Zone Information - zone purpose, boundaries, protected resources, restrictions

Navigation

The [Main Menu](#) is the central navigation point for adding, editing and deleting site information, including importing external data. It also is the starting point for submitting completed forms and provides access to data summary reports.

Filling in the Form

Note: Data is saved automatically as it is entered into the form.

Adding a New Site. Begin filling in a form for a site by clicking the "Add a Site" button in the Main Menu. A new form will be opened starting at the beginning of section I. Proceed through each section, filling in as much information as possible. Information is saved automatically as data is entered or edited and consequently, there is no "Save" command. When you are finished filling in data or need to take a break, simply quit the application. When the application is reopened your data will be as you last left it. There is very limited "Undo" capability; caution should be used before editing or deleting information.

Marine Protected Areas of the United States

Updating Information for a Site.

From the Main Menu, click on the "View or Edit Site Data" button to show all of the sites in the database. Find the site of interest in the list and click the "Data Form" button. This will bring up the current data for that site.

Importing Data. Multiple sites may be imported into the system from spreadsheets, dbf files, tab delimited text files, etc. To import site information, click on the "Import Data" button from the Main Menu. A list of data tables that comprise the database will appear. Data may be imported into any or all of these tables. When one of these tables is selected an import screen for that table will be opened up. Follow the instructions on the import screen to import your data into that table.

Getting Help and Information

Master Help Screen. There is a master help screen that can be accessed from the Help menu from anywhere within this application. The master help screen provides organized list of links to all of the various help and information screens available throughout this data entry form.

Questions Help. For each form section there are help screens which explain and provide examples of each question. These section help screens can be accessed by clicking on any question in the data form.

MPA Initiative Information. This data entry form includes an "About the MPA Initiative" screen which can be accessed from the Help (Windows) or Apple (Macintosh) menu. This screen contains information about the MPA project, including the text of E.O. 13158. In addition, the official Web site, mpa.gov, contains more in depth information about the Marine Protected Areas initiative.

See "Further Information" below for how to find out who to contact about the MPA Initiative and filling in the data form.

Submitting and Updating a Completed Form

Preferrably, this form will be submitted electronically across the Internet to the MPA Inventory site. To submit the form electronically, you will need an Internet connection. From the [Main Menu](#), click on the "Submit Form" button and you will be provided further specific instructions on submitting the form electronically or by alternative means. Updates and corrections will be performed primarily through the Internet using Web browser forms.

Further Information

If you would like more information on the the MPA initiative, contact:

Daniel R. G. Farrow
NOAA, National Ocean Service
SSMC4 RM: 9515, N/SP3
1305 East West Highway
Silver Spring, MD 20910

Dan.Farrow@noaa.gov
(301)713-3000

If you would like more information on completing this form, contact:

Christopher Clement
NOAA, National Ocean Service
SSMC4 RM: 9215, N/SP1
1305 East West Highway
Silver Spring, MD 20910

Chris.Clement@noaa.gov
(301)713-3000

[Go to Main Menu](#) | [About the MPA Initiative](#) | [About the List and Inventory](#)

For detailed information on the National MPA Initiative, visit the mpa.gov Web site.

Marine Managed Areas Site Data Entry Form

Federal Beta v1.2 6/22/2001

I. General Information

1. What is the name of the protected site?

2. Provide a primary data contact for this site.

3. What type of site is this?

- ☐ National Marine Sanctuary
- ☐ National Estuarine Research Reserve
- ☐ Federal Fisheries Management Zone
- ☐ Federal Threatened/Endangered Critical Habitat
- ☐ Federal Threatened/Endangered Species Protected Area
- ☐ National Park System
- ☐ National Wildlife Refuge
- ☐ State Beach
- ☐ State Park
- ☐ Area of Critical Environmental Concern
- ☐ Marine Conservation Area
- ☐ Gear Restricted Area
- ☐ Other... , Specify:

4. What type/level of government manages this site?

- ☐ Federal
- ☐ State
- ☐ Federal/State Partnership
- ☐ Territorial
- ☐ Tribal Authority
- ☐ Local (county or municipal)

5. Provide a brief summary of the purpose of the site, including why the site was set aside as a protected area and/or what resources are currently the focus of protection.

Marine Managed Areas Site Data Entry Form

Federal Beta v1.2 6/22/2001

I. General Information (cont.)

6. Provide a brief description of the site.

a. Location and General Features:

b. Prominent Features:

c. Unique Features or Attributes:

7. Identify any of the following marine components that occur within the boundary of the site:

- ☐ Oceans
- ☐ Coastal Waters: Bays and Estuaries
- ☐ Coastal Waters: Intertidal
- ☐ Great Lakes

Other, specify:

8. If available, list a Web address (URL) that provides information about this site:

Marine Managed Areas Site Data Entry Form

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II. Site Description

A. Boundaries

1. Boundary Information.

a. Provide a brief description of the site boundary.

b. Provide a legal reference citation that identifies the boundary definition.

c. Is there a GIS data coverage showing the boundaries for the site?

☐ Yes ☐ No If Yes, provide a GIS contact name.

d. If there is a map available showing site boundaries, be sure to include a copy with the completed application form.

2. Does the site overlap or abut with the boundaries of other protected areas?

☐ Yes ☐ No If Yes:

a. List the names of the sites that overlap:

b. List the names of the sites that abut:

3. Does the site's authority cover (select one):

- ☐ entire water column including bottom features
☐ water column NOT including bottom features

Marine Managed Areas Site Data Entry Form

Federal Beta v1.2 6/22/2001

II. Site Description

B. Location/Size

1. Indicate the nearest state, territory or protectorate, as appropriate.

State/Territory/Protectorate:

Second, if necessary:

Third, if necessary:

2. Indicate the following surface areas for the site.

a.1. Marine water surface area (square statute miles):

a.2. The method of determining this surface area was:

☐ cadastral survey ☐ GPS survey ☐ planimeter ☐ Other...
☐ GIS derived ☐ grid overlay ☐ unknown

a.3. The map scale used to determine this surface area was:

☐ Marine area unknown or not available.

b.1. Land Surface Area (square statute miles):

b.2. The method of determining this surface area was:

☐ cadastral survey ☐ GPS survey ☐ planimeter ☐ Other...
☐ GIS derived ☐ grid overlay ☐ unknown

b.3. The map scale used to determine this surface area was:

☐ Land area unknown or not available.

3. What is the approximate shoreline length (including islands)?

a. Statute shoreline miles:

b. The method of determining shoreline length was:

☐ cadastral survey ☐ GPS survey ☐ planimeter ☐ Other...
☐ GIS derived ☐ grid overlay ☐ unknown

c. The map scale used to determine the length was:

☐ There is no shoreline, the site is completely offshore.

☐ Shoreline length unknown or not available.

Marine Managed Areas Site Data Entry Form

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III. Legal Authority and Regulations

1. Provide the legal basis that established the site:

- a. Name of legal authority:
- b. Legal authority citation:
- c. Brief summary of legal authority text:
- d. Legal authority text can be downloaded from the internet at:

2. Provide any additional legal bases applied to the area of the marine component that are designed to provide increased protection to natural and/or cultural resources within the boundaries of the site. Use separate sheet of paper to add more than one.

- a. Name of legal authority:
- b. Legal authority citation:
- c. Brief summary of protections provided by the legal authority:
- d. Legal authority text can be downloaded from the internet at:

3. Provide any regulations applied to the area of the marine component that are designed to provide increased protection to natural and/or cultural resources within the boundaries of the site. Use separate sheet of paper to add more than one.

- a. Name of regulation, if any:
- b. Regulation citation:
- c. Provide brief summary of primary restrictions and protections:
- d. Regulation text can be downloaded from the internet at:

Marine Managed Areas Site Data Entry Form

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III. Legal Authority and Regulations (cont.)

4. Legal Dates of Interest

- a. What year was the site first legally established?
- b. Provide an initial date of protection afforded to marine resources in the site.
- c. Provide any major dates of significance for this site, such as substantial changes in size or in resource protections. Enter as many as appropriate.

Date:

(mm/dd/yyyy)

Explanation of significance

<hr/>	<hr/>
<hr/>	<hr/>
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5. Expiration of authority or regulations.

- a. Does this site have year round protection? ☐ Yes ☐ No
- b. Does the protection of the marine component of this site expire? ☐ Yes ☐ No **If No, Go to Section IV.**
- c. If Yes, when does it expire (*mm/dd/yyyy*)?
- d. Is there a specific mechanism for renewal? ☐ Yes ☐ No

If Yes, briefly summarize the renewal mechanism.

Marine Managed Areas Site Data Entry Form

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IV. Site Management

1. Indicate the primary governmental agency responsible for site management.

Primary Agency:

Primary Office:

Enter a second agency if the site is under joint management:

Agency:

Office:

If applicable, enter a third agency involved in the management of this site:

Agency:

Office:

2. Indicate in order of responsibility the agencies enforcing the laws and regulations of the site.

3. Is this site part of a formal network of managed areas providing protection for one or more marine resources?

☐ Yes ☐ No

If Yes:

a. List the names of the other sites in the network:

b. Briefly describe the nature of the network (how it operates, resources protected, etc.):

4. Does this site play an important role in the ecological functioning of other protected sites (marine or non-marine)?

☐ Yes ☐ No

If Yes, list the names of those sites and the functions or resources involved:

Marine Managed Areas Site Data Entry Form

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IV. Site Management (cont.)

5a. Indicate programs, activities, and capacities that are currently being used to manage this site.

Program or Plan:

Comments:

☐ this question is not applicable to this site

- ☐ education programs
- ☐ research programs
- ☐ monitoring programs
- ☐ volunteer programs
- ☐ enforcement programs
- ☐ restoration programs
- ☐ permitting programs
- ☐ habitat management programs
- ☐ public use management programs
- ☐ water quality management programs
- ☐ emergency operations programs
- ☐ on-site staff
- ☐ advisory committee
- ☐ visitors center
- ☐ natural resource damage assessment authority
- ☐ Other... , Specify:

5b. Are the above incorporated into a comprehensive management plan that is up-to-date or being updated?

☐ Yes ☐ No

Comments:

6. What measures are used to determine how effective the site is at meeting its management objectives?

Measure:

Comments:

☐ this question is not applicable to this site

- ☐ monitoring environmental indicators
- ☐ monitoring socio-economic indicators
- ☐ performance measures for water quality
- ☐ performance measures for fisheries enhancements
- ☐ performance measures for biodiversity enhancement
- ☐ performance measures for habitat quality
- ☐ performance measures for cultural/historical resources preservation
- ☐ user surveys
- ☐ Other... , Specify:

Marine Managed Areas Site Data Entry Form

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IV. Site Management (cont.)

7. Indicate activities or issues of concern to management of the oceanic, estuarine/bay, intertidal, or Great Lakes component of the site.

Threat:

Comments:

☐ this question is not applicable to this site

- ☐ acoustics
- ☐ altered water flow
- ☐ coral bleaching
- ☐ coral damage
- ☐ disease
- ☐ direct fishing effects
- ☐ indirect fishing effects
- ☐ invasive species
- ☐ land-based nonpoint source pollution
- ☐ land-based point source pollution
- ☐ mariculture/aquaculture
- ☐ military operations
- ☐ mining operations
- ☐ oil and gas operations
- ☐ overfishing/overexploitation of resources
- ☐ poaching
- ☐ prop scarring
- ☐ recreational use impacts
- ☐ seabed alteration
- ☐ vessel traffic
- ☐ vessel-based pollution sources
- ☐ Other.. , Specify:

8. Select the statement which best describes management zones within the site:

- ☐ Case 1, no special zones. This site does not have any zones of differing protections and activities. Regulations apply uniformly. For the purposes of the next section, V-a. Management Zones, you will need to include a zone called "Overall Site Zone" in the Management Zones section and **fill in part b only**.
- ☐ Case 2, overall site zone with special management zones. In addition to an overall zone in which regulations apply uniformly, this site contains additional zones of differing protections and activities. For the purposes of the next section, V-a. Management Zones, add an initial zone called "Overall Site Zone" as the first zone in the list. You will then need to add additional management zones and information as appropriate.
- ☐ Case 3, no overall zone. This site is divided into distinct management zones with differing protections and activities. There is no overall site zone in which regulations apply uniformly. You will need to add in all of the management zones and information.

Marine Managed Areas Site Data Entry Form

FEDERAL BETA v1.2 6/22/2001

V-a. Zone Information

*This page is intended to collect information for special management zones within the site overall. This page should NOT be filled out for the "Overall Site Zone". If this is the Overall Site Zone, go to **Section V-b.***

Provide a Zone Name:

1. What is the establishment date of this zone?

2. Does the protection of this zone expire? ☐ Yes ☐ No

If Yes, when?

3. Is the water component of the site located in:

a. Federal waters? ☐ Yes ☐ No

b. State waters? ☐ Yes ☐ No

c. Territorial waters? ☐ Yes ☐ No

4. Does the zone boundary extend across multiple state waters? ☐ Yes ☐ No

If Yes, which?

5. What is the surface area of the zone in square miles?

6. Provide a general description of the zone location within the overall site.

7. Does this zone overlap with the boundaries of other zones? ☐ Yes ☐ No

If Yes, which?

Marine Managed Areas Site Data Entry Form

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V-a. Zone Information (cont.)

8. Indicate the purpose(s) this zone was designed to accomplish. List as many as necessary.

Zone Purposes

Comments:

- ☐ biodiversity conservation
- ☐ habitat protection
- ☐ threatened / endangered species protection
- ☐ fisheries management
- ☐ cultural / historical resource protection
- ☐ concentrating uses / activities
- ☐ user conflict management
- ☐ recreation
- ☐ research

- ☐ Other...

9. Indicate the method(s) for delineating the zone boundaries. List as many as necessary.

Zone Boundary Delineation

Comments:

- ☐ downloadable digital coordinates
- ☐ special version of digital nautical / navigation chart
- ☐ fixed buoys / markers at each boundary coordinate
- ☐ fixed buoys / markers at strategic entry points
- ☐ general signs / markers
- ☐ maps posted at visitor center / contact locations
- ☐ maps in brochures / handouts
- ☐ posted / published coordinates
- ☐ landmarks or features familiar to the public
- ☐ available upon request

- ☐ Other...

Marine Managed Areas Site Data Entry Form

FEDERAL BETA v1.2 6/22/2001

V-b. Protections and Restrictions

For Questions 1 - 5, indicate the type of protection targetted by the site's authority for each resource or feature. If you are filling in an Overall Site Zone, then select ALL items that apply from each list. If this is a specific zone, then select ONLY those items that are different from the Overall Site Zone. Use the following choices:

Type of Protection:

1. targeted for protection
2. targeted for use
3. non-targeted but incidentally protected
4. seasonally protected
5. no protections beyond those outside zone or site

1. Cultural Resources and Protections. Select all of the resources that exist within the site or zone and indicate the type of protection targeted by the site's authority with a number choice from above:

Cultural Resources

Comments:

Indicate with a number from the above list.

- ☐ this question does not apply to this site/zone
- ☐ known prehistoric archaeological site
- ☐ identified submerged relict landforms or paleo shoreline
- ☐ distribution of prehistoric cultural remains
- ☐ historically documented maritime activities
- ☐ identified historic shipwreck
- ☐ unidentified historic shipwreck
- ☐ documented historic shipwreck but never located
- ☐ standing structures: navigation structures
- ☐ standing structures: ship loading facilities
- ☐ standing structures: piling-built structures
- ☐ remains of structures: navigation structures
- ☐ remains of structures: ship loading facilities
- ☐ remains of structures: piling-built structures
- ☐ Other...

2. Fish Resources and Protections. Select all of the resources that exist within the site or zone and indicate with a number from the above list the type of protection targeted by the site's authority.

Fish Resource

Comments:

Use number from list.

- ☐ this question does not apply to this site/zone
- ☐ commercially important finfisheries
- ☐ important shellfisheries
- ☐ recreationally important finfisheries
- ☐ recreationally important shellfisheries
- ☐ ecologically important fish species
- ☐ highly migratory fish species
- ☐ important fish spawning areas
- ☐ Other...

Marine Managed Areas Site Data Entry Form

FEDERAL BETA v1.2 6/22/2001

V-b. Protections and Restrictions (cont.)

Type of Protection:

1. targeted for protection
2. targeted for use
3. non-targeted but incidentally protected
4. seasonally protected
5. no protections beyond those outside zone or site

3. Marine Mammals, Birds, and Sea Turtle Protections. Select all that exist within the site or zone and indicate with a number from the above list the , the type of protection targeted by the site's authority.

Resource

Comments:

Use number from list.

- ☐ this question does not apply to this site/zone
- ☐ marine mammal haulout/calving areas
- ☐ important marine mammal feeding areas
- ☐ important marine mammal resting areas
- ☐ marine mammal migration area
- ☐ important bird nesting areas
- ☐ important bird feeding areas
- ☐ important bird loafing areas
- ☐ migratory bird species
- ☐ sea turtle nesting areas
- ☐ sea turtle feeding areas
- ☐ Other...

4. Habitat Types and Protections. Select all habitat types that exist within the site or zone and indicate with a number from the above list the , the type of protection targeted by the site's authority.

Habitat Type

Comments:

Use number from list.

- ☐ this question does not apply to this site/zone
- ☐ kelp forests
- ☐ submerged aquatic vegetation
- ☐ coral reefs
- ☐ oyster reefs
- ☐ other living reefs
- ☐ mud flats
- ☐ emergent wetlands
- ☐ scrub-shrub/forested wetlands
- ☐ mangroves
- ☐ Other...

Marine Managed Areas Site Data Entry Form

FEDERAL BETA v1.2 6/22/2001

V-b. Protections and Restrictions (cont.)

Type of Protection:

1. targeted for protection
2. targeted for use
3. non-targeted but incidentally protected
4. seasonally protected
5. no protections beyond those outside zone or site

5. Geologic Features. Select all features that exist within the site or zone and indicate with a number from the above list the , the type of protection targeted by the site's authority.

Feature

Comments:

Use number from list.

☐ this question does not apply to this site/zone

☐ rock reef

☐ seamount

☐ canyon

☐ vent

☐ sand beach

☐ cobble beach

☐ rocky shore

☐ Other...

6. Are there threatened/endangered species that have been identified within this site/zone?

☐ Yes ☐ No

If Yes, list the species and format as follows: common name, scientific name

Marine Managed Areas Site Data Entry Form

FEDERAL BETA v1.2 6/22/2001

V-b. Protections and Restrictions (cont.)

7. Indicate all activities/uses that occur and note how they are regulated within the site or zone by marking the boxes with one of the three following choices:

Restriction Type

1. not allowed
2. allowed with restrictions or permits
3. allowed

Activity/Use

Comments:

- ☐ all human activities
- ☐ extractive research
- ☐ non-extractive research
- ☐ commercial bottom trawling
- ☐ commercial use of traps
- ☐ other commercial fishing
- ☐ consumptive recreational fishing
- ☐ catch and release recreational fishing
- ☐ subsistence harvesting
- ☐ waterfowl hunting
- ☐ other hunting
- ☐ scuba diving
- ☐ snorkeling
- ☐ large commercial vessels
- ☐ small commercial vessels
- ☐ anchoring
- ☐ personal watercraft
- ☐ kayaking/canoeing
- ☐ internal combustion engines
- ☐ go fast boats
- ☐ overflights
- ☐ oil and gas exploration
- ☐ oil and gas extraction
- ☐ other mineral extraction
- ☐ environmental education/interpretation
- ☐ historic artifact removal/collection
- ☐ salvage operations (non historic)
- ☐ military exercises/operations
- ☐ seabed installation/surface layment
- ☐ habitat restoration
- ☐ building/development (structure, docks)
- ☐ Other...

1. What is the name of the protected site?

This is the official name of the site. Spell out the entire name including suffixes such as "State Park". Do not abbreviate unless part of the official name.

Examples:

Florida Keys National Marine Sanctuary
Pribilof Islands Area Habitat Conservation Zone
Cape Cod National Seashore
Ten Thousand Islands National Wildlife Refuge

2. Provide a primary data contact for this site.

The primary data contact should be a person knowledgeable about the site and familiar with any existing site data. This person should also be available for consultation if needed.

3. What type of site is this?

The general management category the site was set aside as.

Examples:

National Marine Sanctuary
National Seashore
Marine Conservation Area

4. What type/level of government manages this site?

The type or level of government that is responsible for the site.

Examples:

Federal
State
Federal/State Partnership

5. Provide a brief summary of the purpose of the site, including why the site was set aside as a protected area and/or what resources are currently the focus of protection.

This is meant to be a short, three to four sentence summary of why the site was set aside as a protected area and/or what resources are currently the focus of protection.

Examples:

The sanctuary was established to promote comprehensive management of the special ecological, historical, recreational, and esthetic resources, and in particular, to stem mounting threats to the health and ecological future of the coral reef ecosystem.

The Refuge was established for the development, advancement, management, conservation, and protection of fish and wildlife resources... for the benefit of the United States Fish and Wildlife Service, in performing its activities and services.

6. Provide a brief description of the site. Use the provided headers to fill in the information.

This is meant to be a short summary description of three general attributes and should be organized in the following manner:

The first section should indicate the site's approximate location and most general land/seascape features, with an indication of depths/elevations.

The second section should list of the most prominent and noteworthy features, such as habitats, populations, oceanographic and geographic features.

The last section should indicate any unique features and attributes of the site.

Example 1:**Location and General Features:**

The Keys are located on the southern tip of the Florida peninsula, beginning just south of Key Biscayne and ending just 90 miles north of Cuba. The waters immediately surrounding most of the 1,700 islands that make up the Florida Keys have been designated as a national marine sanctuary since 1990. The sanctuary extends 220 miles in a northeast to southwest arc between the southern tip of Key Biscayne, south of Miami, to beyond, but not including, the Dry Tortugas Islands. This complex marine ecosystem is the foundation for the commercial fishing and tourism based economies that are so important to Florida.

Prominent Features:

The Florida Keys marine ecosystem supports one of the most diverse assemblages of underwater plants and animals in North America. Although the Keys are best known for coral reefs, there are many other significant interconnecting and interdependent habitats. These include fringing mangroves, seagrass meadows, hardbottom regions, patch reefs, and bank reefs.

Unique Features or Attributes:

North America's only living coral barrier reef and the third longest barrier reef in the world.

Example 2:**Location and General Features:**

Located on the southwest corner of the coast of Florida, Ten Thousand Islands National Wildlife Refuge is 35,033.6 acres of open water, islands and property on mainland Florida. Tidal areas include saltwater bays, lagoons, and associated brackish creeks.

Prominent Features:

Saltwater marshes and the largest mangrove forest in North America are also in the Refuge.

Unique Features or Attributes:

In addition to the largest mangrove forest in N.A., roughly 86 species of fish have been documented in the area, and the refuge provides habitat for nesting sea turtles, manatees, and American crocodiles.

7. Identify any of the following marine components that occur within the boundary of the site:

Oceans – waters exposed to the waves and currents of the open ocean with water regimes determined by the ebb and flow of oceanic tides. Salinities exceed 30 ppt, with little or no dilution except outside the mouths of estuaries.

Coastal Waters: Bays and Estuaries – deepwater tidal habitats and adjacent tidal wetlands that are usually semienclosed by land but have open, partly obstructed, or sporadic access to the open ocean, and in which ocean water is at least occasionally diluted by freshwater runoff from land. Extending upstream to where ocean-derived salts measure less than 0.5 ppt during the period of average annual low flow.

Coastal Waters: Intertidal – a high slope area of the coastal zone below mean high tide where the substrate is exposed and flooded by tidal action.

Great Lakes -

8. If available, list a Web address (URL) that provides information about this site.

This should be an officially sanctioned Web page that provides specific information about a particular site. The link should go directly to information about the site.

Examples:

<http://www.sanctuaries.nos.noaa.gov/oms/omsflorida/omsflorida.html>

<http://www.nps.gov/caco/index.htm>

<http://southeast.fws.gov/Caloosahatchee/index.html>

A. Boundaries

1. Boundary Information.

- a. Provide a brief description of the site boundary, including legal reference to the boundary definition if possible.

General information describing major boundary points encompassing the site. Also describe whether or not the site is composed of multiple areas.

Examples:

1. The sanctuary extends 220 miles in a northeast to southwest arc between the southern tip of Key Biscayne, south of Miami, to beyond, but not including, the Dry Tortugas Islands. Boundary definition found at 15 CFR 922.161: The Sanctuary consists of all submerged lands and waters from the mean high water mark to the boundary described in Appendix I subpart P of 15 CFR 992 with the exception of areas within the Dry Tortugas National Park. Appendix I to this subpart sets forth the precise Sanctuary boundary established by the Florida Keys National Marine Sanctuary and Protection Act. (See FKNMSPA Sec. 5(b)(2)).

2. Midway Atoll National Wildlife Refuge is located at 28 degrees, 12 minutes north latitude and 177 degrees 22 minutes west longitude, north of the tropic of Cancer and approximately 1,150 miles northwest of Honolulu. The atoll is roughly 5 miles in diameter and contains two islands and an islet. The refuge encompasses 1,549 acres of emergent land and 296,820 acres of submerged lands. Of the submerged lands, 55,081 acres are coral reef.

- b. Provide a legal reference citation that identifies the boundary definition.

Citation to the specific text in the enabling or other legal authority that specifies the boundaries of the site.

Example:

15 CFR 922.161

- c. Is there a GIS data coverage showing the boundaries for the site?

This question refers to either an ArcView shape file or an ArcInfo coverage of the site boundaries. Click on the link and provide as much information for the GIS contact person as possible.

- d. If there is a map available showing site boundaries, provide it by one of the following two methods (click on one):

Import a digital image file of the map by clicking on the first link or click on the second link to receive information on where to send the paper map. Digital images that can be imported include jpg, tif, or gif files. Images on Web pages are typically in jpg or gif format.

2. Does the site overlap with the boundaries of other protected areas?

The boundaries of another protected area that overlap your site in whole or in part. May include terrestrial or marine areas. If unsure about overlap, include the site on your list. The site being inputted is included below for reference. Do not include your own site.

Examples:

California Sea Otter Game Refuge (main site)

Monterey Bay National Marine Sanctuary

Julia Phiffer Burns Underwater Park Area of Special Biological Significance (ASBS)

Ocean Area Surrounding the Mouth of Salmon Creek ASBS

3. Indicate which of the following the site's authority covers:

Select the option that best describes the marine component of the site.

B. Location/Size**1. Indicate the nearest state, territory or protectorate, as appropriate.**

Use the pull-down menu to choose closest state, territory, or protectorate. If the site is close to more than one state, territory, or protectorate, put the state, territory, or protectorate to which it is closest first. If it is equally close, put both states, territories, or protectorates in any order.

2. Indicate the following surface areas for the site.**Marine Water Surface Area:**

Total surface area of all marine waters in the site in square statute miles. If this area is unknown or unavailable check the box.

Land Surface Area:

Total surface area of all land in the site in square statute miles. If this area is unknown or unavailable check the box.

3. What is the approximate shoreline length?

Total length of shoreline associated with the site, including islands, in statute miles. If this length is unknown or unavailable check the box. If there is no shoreline associated with the site enter 0 and do not check the box.

This section is intended to provide legal basis background information on the establishment and protections of sites and as such should include summaries of pertinent information. This section is not intended to be a legal reference or guide for determining the legality of specific activities or actions in any of the sites listed.

1. Provide the legal basis that established the site:

The enabling legislation that either created the area or gave an agency legal authority to create the area.

a. Name of legal authority:

The common or popular name of the authority.

Examples:

Florida Keys National Marine Sanctuary and Protection Act
National Park Service Organic Act
Emergency Wetlands Resources Act of 198

b. Legal authority citation:

Full reference to the legal authority that designates the area.

Examples:

Public Law 101-605 (H.R. 5909)
16 USC 410gg
16 USC 459b
16 USC 3901 et seq.

c. Brief summary of legal authority text:

A description of that part of the legal authority language that designates the site.

Examples:

1. The area described in subsection (b) is designated as the Florida Keys National Marine Sanctuary (in this Act referred to as the "Sanctuary") under title III of the Marine Protection, Research, and Sanctuaries Act of 1972 (16 U.S.C. 1431 et seq.). The Sanctuary shall be managed and regulations enforced under all applicable provisions of such title III as if the Sanctuary had been designated under such title.

(b) AREA INCLUDED.—(1) Subject to subsections (c) and (d), the area referred to in subsection (a) consists of all submerged lands and waters, including living marine and other resources within and on those lands and waters, from the mean high water mark to the boundary described under paragraph (2), with the exception of areas within the Fort Jefferson National Monument. The Sanctuary shall be generally identified and depicted on National Oceanic and Atmospheric Administration charts FKNMS 1 and 2...

2. In order to preserve and protect for the education, inspiration, recreation, and enjoyment of present and future generations a rare combination of terrestrial, marine, and amphibious life in a tropical setting of great natural beauty, there is hereby established the Biscayne National Park...in the State of Florida. The boundary of the park shall include the lands, waters, and interests therein as generally depicted on the map entitled "Boundary Map, Biscayne National Park", numbered 169-90,003, and dated April 1980...

3. To promote the conservation of the wetlands of the Nation in order to maintain the public benefits they provide and to help fulfill international obligations contained in various migratory bird treaties and conventions. Section 3922 authorizes the Secretary to purchase wetlands or interests in wetlands, which are not acquired under the authority of the Migratory Bird Conservation Act of 1929 (16 U.S.C. 715-715s), and consistent with the wetlands priority conservation plan established under section 3921.

d. Legal authority text can be downloaded from the internet at:

This should be a link to the complete text of the legal authority.

Examples:

http://www.fknms.nos.noaa.gov/regs/sp_act.html
<http://www4.law.cornell.edu/uscode/16/410gg.html>
<http://www4.law.cornell.edu/uscode/16/ch59.html>

2. Provide any additional legal bases applied to the area of the marine component that are designed to provide increased protection to natural and/or cultural resources within the boundaries of the site (use tab key to enter more than one if necessary):

a. Name of legal authority:

The common or popular name of the authority.

Examples:

National Marine Sanctuaries Act
National Park Service Organic Act
National Wildlife Refuge Administration Act

b. Legal authority citation:

Full reference to the legal authority.

Examples:

16 USC 1431 et seq.
16 USC 668dd

c. Brief summary of protections provided by the legal authority:

Examples:

1. Sec. 306. PROHIBITED ACTIVITIES states that it is unlawful to--

(1) destroy, cause the loss of, or injure any sanctuary resource managed under law or regulations for that sanctuary;

(2) possess, sell, deliver, carry, transport, or ship by any means any sanctuary resource taken in violation of this section.

2. 16 USC 668dd, subsection (c) states "No person shall disturb, injure, cut, burn, remove, destroy, or possess any real or personal property of the United States, including natural growth, in any area of the System; or take or possess any fish, bird, mammal, or other wild vertebrate or invertebrate animals or part or nest or egg thereof within any such area; or enter, use, or otherwise occupy any such area for any purpose; unless such activities are performed by persons authorized to manage such area, or unless such activities are permitted either under subsection (d) of this section or by express provision of the law, proclamation, Executive order, or public land order establishing the area, or amendment thereof." Subsection (d) provides that "The Secretary is authorized, under such regulations as he may prescribe, to ... permit the use of any area within the System for any purpose, including but not limited to hunting, fishing, public recreation and accommodations, and access whenever he determines that such uses are compatible with the major purposes for which such areas were established..."

d. Legal authority text can be downloaded from the internet at:

This should be a link to the complete text of the legal authority.

Example:

<http://www4.law.cornell.edu/uscode/16/ch32.html>

<http://bluegoose.arw.r9.fws.gov/mandates/16USCSec668dd.html>

3. Provide any regulations applied to the area of the marine component that are designed to provide increased protection to natural and/or cultural resources within the boundaries of the site (use tab key to enter more than one if necessary):

- a. Name of regulation, if any:
The common or popular name of the regulations.
- b. Regulation citation:
Full reference to the regulations that provide increased protections to the area.

Examples:

15 CFR 922 Subpart P
50 CFR 1 to 199

- c. Provide brief summary of primary restrictions and protections:

Examples:

1. Regulations protect the natural and cultural resources of the Sanctuary, by prohibiting removal of live rock; discharges (with exceptions); alteration of the seabed (with exceptions); removal of historic resources; use of explosives or electrical charges; and collection of tropical fish, invertebrates, and plants (with exceptions). There are restrictions on vessel operation and anchoring. The Sanctuary includes a number of zones, including ecological reserves, that have special regulations in addition to those for the entire Sanctuary.


2. All activities restricted unless specifically allowed. This refuge is open for public recreational use such as wildlife viewing and observation, environmental education, hunting, fishing, nature photography.

- d. Regulation text can be downloaded from the internet at:

Example:

<http://www.sanctuaries.nos.noaa.gov/oms/omsflorida/omsfloridapubdoc.html>
http://www.access.gpo.gov/nara/cfr/waisidx_00/50cfrv1_00.html

4. Legal Dates of Interest

- a. What year was the site first legally established?
- b. Provide an initial date of protection afforded to marine resources in the site.
2/25/1925 National Monument established
- c. Provide any other dates of significance for this site, such as substantial changes in size or in resource protections. Enter as many as necessary. Click the  button if you need to delete one of the dates.

These would be major changes to the site that change the way the site is managed or change the levels of protection that the site affords to resources. These would generally include extensive boundary changes, especially those that result in large increases or decreases in areal extent; extensive management changes such as implementation of new regulations that greatly change protection of resources; and major programmatic status changes such as from a National Monument to National Park status.

Example:

National Park and Preserve - December 2, 1980
Designated Wilderness (2,770,000 acres) - December 2, 1980

5. Expiration of authority or regulations.

- a. Does this site have year round protection?
- b. Does the protection of the marine component of this site expire?
- c. If Yes, when does it expire? (*mm/dd/yyyy*)
- d. Is there a specific mechanism for renewal?
If Yes, briefly summarize the renewal mechanism.

1. Indicate the primary governmental agency responsible for site management.

The agency responsible for running the site day to day and implementing the site's programs and regulations.

Examples:

National Park Service
U.S. Fish and Wildlife Service
National Ocean Service

2. Indicate in order of responsibility the agencies enforcing the laws and regulations of the site.

These should be the agencies working on the water or in the field and directly enforcing the natural and cultural resources laws and regulations.

Example:

National Park Service
Maryland Department of Natural Resources

3. Is this site part of a formal network of managed areas providing protection for one or more marine resources?

- List the names of the other sites in the network and the resource(s) protected:
- Briefly describe the nature of the network and how it operates.

Describe the biological or ecological linkages and/or programmatic linkages.

4. Does this site play an important role in the ecological functioning of other protected sites (marine or non-marine)?

List the names of the sites and the functions or resources involved. These sites do not have to be part of a formal network.

Example:

This site is an important stopover for migrating birds on their way to wintering grounds at site X. The site is crucial in providing a resting and feeding point.

5a. Indicate programs, activities, and capacities that are currently being used to manage this site.

5b. Are the above incorporated into a comprehensive management plan that is up-to-date or being updated?

6. What measures are used to determine how the site is meeting its management objectives?

Threats that site management believes will cause substantial problems in managing the site for its intended purposes.

7. Indicate threats of concern to management of the site.

Threats that site management believes is or will cause substantial problems in managing the site for its intended purposes.

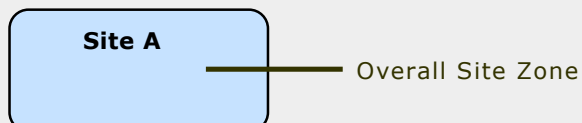
8. Select the statement which best describes management zones within the site:

Case 1: No special management zones.

The site is automatically given one primary zone name called "Overall Site Zone". If the site does not have any special management zones, then the "Overall Site Zone" is the only zone that needs to have information submitted. If Case 1 applies to the site, please do not change the given zone name, "Overall Site Zone".

Clicking the "Edit Info" button will navigate to a Protections and Restrictions data entry screen that applies to the whole site.

Example 1: In this hypothetical area, Site A, there are no special management zones. In this case the whole site is considered to be a single "zone".

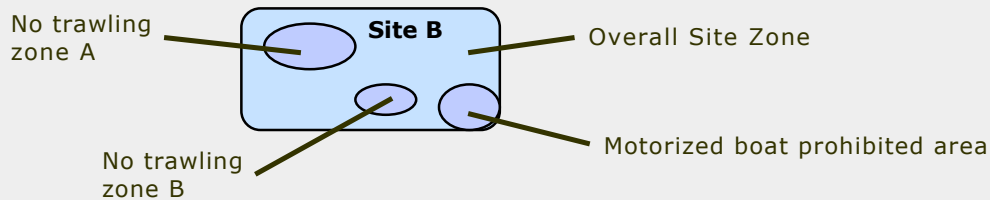


Case 2: One or more special management zones, in addition to a General Site Zone.

The site is automatically given one primary zone name called "Overall Site Zone". In addition to the "Overall Site Zone", there are management zones that receive differing levels of protections than the primary "Overall Site Zone". Each of these should be given a name, and the requested zone information should be filled in.

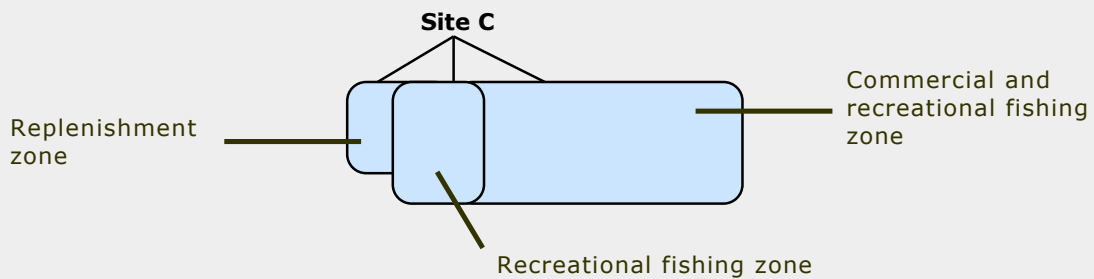
Example 2. If Site B below has three special management zones, one zone prohibiting motorized traffic and two prohibiting bottom trawling, then the zone list would look similar to the following:

Site Name	Zone Name		
Site B	Overall Site Zone	Edit Info	Delete Zone
Site B	Motorized boat prohibited area	Edit Info	Delete Zone
Site B	No trawling zone A	Edit Info	Delete Zone
Site B	No trawling zone B	Edit Info	Delete Zone

**Case 3: Entire site is composed of distinct management zones.**

If there is no single overall site zone, then simply add zone names for each zone that exists and fill in the appropriate information for each.

Example 3. Site C below has three distinct management zones: a replenishment zone, recreational fishing only zone, and commercial and recreational fishing zone.



1. What is the establishment date for this zone?

This question will allow for comparison with the overall site establishment date to determine if there are areas in the site that have been protected longer than the current overall site.

1. Does the protection of this zone expire?

Indicates whether the zone is temporary or permanent by asking for an expiration date

2. Is the water component of the site located in:**a. Federal waters?**

Indicates if the zone contains Federal waters

b. State waters?

Indicates if the zone contains State waters

c. Territorial waters?

Indicates if the zone contains Territorial waters

3. Does the zone boundary extend across multiple state waters?

Indicates if the zone contains the waters of more than one State. All States having water contained in the marine managed areas should be filled in.

4. What is the surface area of the zone?

The areal extent of the zone as indicated by the surface area of the water contained in the zone boundary, in square statute miles

5. Provide a general description of the zone location within the overall site.

Where the zone is located relative to the boundaries of the larger marine managed area

Example:

The zone is located in the southeast end of the marine managed area, five miles offshore of Cape Jones.

6. Does this zone overlap with the boundaries of other zones?

Indicates if this zone overlaps with the boundaries of other zones under the jurisdiction of the marine managed area. All zones that overlap with the zone being discussed should be entered into the indicated areas

7. Indicate the purpose(s) this zone was designed to accomplish. List as many as necessary.

Lists all of the purposes for which the zone was expressly created. Use the pick list to select all the zone purposes that apply and enter comments as necessary in the indicated area.

8. Indicate the method(s) for delineating the zone boundaries. List as many as necessary.

Lists all of the ways that are used to inform users and the general public about the zone location and boundaries. Use the pick list to select all the delineation ways that apply and enter comments as necessary in the indicated area.

1. Cultural Resources and Protections. Select all of the resources that exist within the site or zone and indicate the type of protection targeted by the site's authority.

Identifies the cultural resource(s) within the site or one of the site's zones, and describes how the cultural resource(s) are protected. Use the pick list to select the appropriate cultural resources and protection type, and enter comments as necessary in the indicated area. Enter as many as necessary for a site or the site's zone that is being described.

Example:

For the Monitor National Marine Sanctuary:

Identified historic shipwreck Targeted for protection Comment: Entire sanctuary was designated to protect this historic shipwreck.

2. Fish Resources and Protections. Select all of the resources that exist within the site or zone and indicate the type of protection targeted by the site's authority.

Identifies the type of fish species/resource within the site or one of the site's zones, and describes how species/resource is protected. Use the pick list to select the appropriate species/resource and protection type, and enter comments as necessary in the indicated area. Enter as many as necessary for a site or the site's zone that is being described.

3. Marine Mammals, Birds, and Sea Turtle Protections. Select all that exist within the site or zone and indicate the type of protection targeted by the site's authority.

Identifies the type of marine mammal, bird, or sea turtle species/resource within the site or one of the site's zones, and describes how species/resource is protected. Use the pick list to select the appropriate species/resource and protection type, and enter comments as necessary in the indicated area. Enter as many as necessary for a site or the site's zone that is being described.

4. Habitat Types and Protections. Select all habitat types that exist within the site or zone and indicate the type of protection targeted by the site's authority.

Identifies the type of habitat within the site or one of the site's zones, and describes how habitat is protected. Use the pick list to select the appropriate habitat and protection type, and enter comments as necessary in the indicated area. Enter as many as necessary for a site or the site's zone that is being described. Do not duplicate habitat types that might have been included in responses to questions 1, 2, or 3.

5. Geologic Features. Select all features that exist within the site or zone and indicate the type of protection targeted by the site's authority.

Identifies the type of geologic features within the site or one of the site's zones, and describes how the geologic feature is protected. Use the pick list to select the appropriate geologic feature and protection type, and enter comments as necessary in the indicated area. Enter as many as necessary for a site or the site's zone that is being described. Do not duplicate habitat types that might have been included in responses to questions 1, 2, 3, and 4.

6. Are there threatened/endangered species that have been identified within this site/zone?

Indicates whether or not threatened/endangered species are present within the site or the zone of a site. Use the provided comment area to list the common and scientific name of each species, as appropriate.

7. Indicate all activities/uses that occur and list how they are regulated within the site/zone.

Identifies all activities and associated restrictions, if any, that are associated with the site or a zone of the site. Use the first pick list to choose each activity/use and the second pick list to indicate whether that activity/use is not allowed, allowed with restrictions or permits, or not allowed. Use the provided comment area to enter notes as necessary. List as many activities as necessary.

otherwise determine support for the petition by the industry”

We will require additional information from the petitioners and the domestic producers of certain orange juice in order to make our determination regarding industry support and/or time to analyze the petitioners' responses to our requests for information. See the “Determination of Industry Support for the Petition” section of this notice, above. Therefore, it is necessary to extend the deadline for decision on initiation for a period not to exceed 40 days from the filing of the petition. As a result, the initiation determination is due no later than February 7, 2005.

International Trade Commission (ITC) Notification

Because the Department has extended the deadline of the initiation determination, the Department will contact the ITC and will make this extension notice available to the ITC.

Dated: January 18, 2005.

Joseph A. Spetrini,

Acting Assistant Secretary for Import Administration.

[FR Doc. 05-1355 Filed 1-24-05; 8:45 am]

BILLING CODE: 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Ocean Service; Final Criteria and Data Fields for an Inventory of Existing Marine Managed Areas and Response to Comments

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of final criteria and data fields for building an Inventory of Marine Managed Areas and response to comments on draft criteria.

SUMMARY: NOAA and the Office of the Secretary, Department of the Interior (DOI), on July 23, 2003, jointly proposed criteria, definitions, and data fields that will be used in development of an Inventory of U.S. Marine Managed Areas (MMAs). The MMA Inventory will provide information that will lead to the fulfillment of requirements of Executive Order (E.O.) 13158 on Marine Protected Areas (MPAs). This action provides the final criteria and data fields that will be used to develop and complete the MMA Inventory and summarizes and responds to comments received on the notice of July 23rd. This will allow the completion of Phase I, development of the MMA Inventory, to

be followed by the development of criteria for and the List of MPAs (Phase II) called for in E.O. 13158.

DATES: Effective on January 25, 2005.

FOR FURTHER INFORMATION CONTACT: Joseph A. Uravitch, Director, National Marine Protected Areas Center, NOAA, (301) 713-3100, x195.

SUPPLEMENTARY INFORMATION: Electronic Access: This Federal Register document also is accessible via the internet at the Office of the Federal Register's Web site at http://www.access.gpo.gov/su_docs/aces/aces140.html.

I. Background and Overview of MMA Criteria

E.O. 13158 directs DOC and DOI, in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent federal agencies, to work with non-federal partners to protect significant natural and cultural resources within the marine environment of the United States, including the Great Lakes, by strengthening and expanding a scientifically-based comprehensive National System of MPAs. A key purpose of E.O. 13158 is to “enhance the conservation of our Nation's natural and cultural marine heritage and the ecologically and economically sustainable use of the marine environment for future generations.” A first step in developing this scientifically-based National System of MPAs is the development of an inventory of MMAs. This inventory will become the initial pool of sites from which the List of MPAs called for in section 4(d) of the E.O. 13158 will be developed.

DOC and DOI were given specific roles by E.O. 13158. DOC has delegated lead responsibility to the Under Secretary of Commerce for Oceans and Atmosphere. DOI has delegated its lead to the Assistant Secretary, Lands and Minerals Management. NOAA and DOI have stewardship responsibilities for marine resources under various federal laws, including the Magnuson-Stevens Fishery Conservation and Management Act, the Endangered Species Act, the Marine Mammal Protection Act, the Coastal Zone Management Act, the National Marine Sanctuaries Act, the Antiquities Act, the National Wildlife Refuge System Administration Act, the Outer Continental Shelf Lands Act, and the National Park Service Organic Act. These and other authorities direct DOC and DOI agencies to manage marine

areas for a wide variety of objectives. Area-based management has been used for years to protect marine habitat and submerged cultural resources, rebuild and sustain fisheries, provide recreational opportunities, promote marine research, recover endangered species, and support local economies that depend on ocean resources. These areas have been managed in different ways ranging from restricting specific activities and allowing sustainable use of natural resources within an area, to the establishment of marine reserves that limit access and close the site to all uses except research.

The MMA Inventory will be used in Phase I to inform federal, state, commonwealth, territorial, local, and tribal agencies of the locations and characteristics of existing MMAs and to form a pool from which sites may later be considered for placement on the List of MPAs (Phase II). Resource managers and others can use this information to better manage these areas and determine the effectiveness of individual sites, as well as regional and national assemblages. The core purposes of the MMA Inventory are:

- Providing centralized, easily accessed information on and maps of existing federal, State, commonwealth, territorial, local, and tribal MMAs in the United States;
- Providing information and tools for environmental assessments and effectiveness monitoring (supporting independent analyses and studies of a wide variety of marine issues by governmental and non-governmental users);
- Providing important site-specific information for developing and maintaining the official nationwide List of MPAs required by section 4(d) of E.O. 13158; and
- Providing information to fulfill other requirements of E.O. 13158.

NOAA and DOI have placed a variety of protective or restrictive measures on different marine areas to achieve different management purposes. The definitions and working criteria in this notice are being used to build the MMA Inventory and may, at some future date, be used in determining which sites should be placed on the List of MPAs (Phase II). These definitions and criteria are final and incorporate public comment, as appropriate, but may be changed at some future date if required by experience gained by using the MMA Inventory and implementing E.O. 13158. The public will be informed of such changes to the criteria through the **Federal Register** and the MPA Web site, <http://www.mpa.gov>.

It is important to distinguish between the MMA Inventory and the List of MPAs. The MMA Inventory is not designed to fulfill the requirement of E.O. 13158 for a List of MPAs but is the first step toward development of that List. The List is to be established at some future date after an administrative process for listing has been established.

As a result of public comment, NOAA and DOI have decided to broaden some aspects of the inventory criteria for building the MMA Inventory.

II. Comments and Responses

A. General/Overall Comments Not Related to Specific Proposed Criteria or Data Fields

Comment 1: Six commenters expressly supported the development of the MMA Inventory.

Response 1: No response necessary.

Comment 2: One commenter recommended that NOAA and DOI proceed immediately to the MPA listing process rather than build an Inventory of MMAs, questioning the need to identify and Inventory MMAs in order to identify MPAs subject to the Executive Order.

Response 2: In addition to the requirement for NOAA and DOI to “publish and maintain a List of MPAs that meet the definition of MPA,” the E.O. also requires that protection of MPAs be enhanced and expanded, through, e.g., “(1) science-based identification and prioritization of natural and cultural resources for additional protection; (2) integrated assessments of ecological linkages among MPAs, including ecological reserves in which consumptive uses of resources are prohibited, to provide synergistic benefits; (3) a biological assessment of the minimum area where consumptive uses would be prohibited that is necessary to preserve representative habitats in different geographic areas of the marine environment; (4) an assessment of threats and gaps in levels of protection currently afforded to natural and cultural resources, as appropriate; and (5) practical, science-based criteria and protocols for monitoring and evaluating the effectiveness of MPAs.” The broader List of MMAs will enable the fulfillment of these requirements. Based on the universe of possibilities, those sites that best fit the specific goals of the MPA system, whose goals are in the process of being defined, will be chosen for the MPA List.

Comment 3: One commenter recommended that the Inventory be limited to areas qualifying as a “marine protected area” and not expand it to

also include areas called “marine managed areas.”

Response 3: See Response 2.

Comment 4: One commenter suggested that once a site is on the MMA Inventory or later on the MPA List, it should have a “federal imprimatur” indicating that the basis for the site’s protections be scientifically reviewed before a site is put on the Inventory. The commenter also suggested that the Inventory be periodically reviewed to remove sites when no longer warranted.

Response 4: The Executive Order directs the agencies to publish and maintain a List of MPAs that meet the definition of MPA for the purposes of this order. The agencies have determined that in order to be placed on the MMA Inventory a site must meet all five criteria published in this Federal Register notice: Area, marine, reserved, lasting, and protection. In addition, cultural sites also must meet the definition of “cultural.” The agencies will develop similar criteria to move a site from the MMA Inventory to the MPA Inventory based on the goals of the National System of MPAs.

The federal, state, or tribal authorities that established these areas are responsible for determining whether they meet their statutory criteria, including scientific review. NOAA and DOI are authorized to review the programs and their sites to determine their applicability in supporting the goals of the national system of MPAs. NOAA and DOI intend to conduct periodic reviews of the sites on the List of MPAs. If the sites no longer meet the goals of the National System of MPAs, they will be removed from the List.

Comment 5: One commenter questioned whether the development of the MMA Inventory and MPA List is intended to facilitate the eventual federal control of each of the sites on the Inventory or List and requested clarification.

Response 5: The placing of state, territorial, commonwealth, or tribal sites will not result in federal control of these sites. Section 8(a) of the E.O. states that “Nothing in this order shall be construed as altering existing authorities regarding the establishment of federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.”

Comment 6: One commenter asserted that agency decisions should be guided

by criteria in Section 4(a) of the Executive Order.

Response 6: The agencies are conducting the activities under Section 4(a) of the E.O. and will use the information gained as part of the decision-making process.

Comment 7: One commenter requested that sites that clearly meet the definition of MPA given in the Executive Order should be declared official MPAs, and suggested that the Executive Order is self-executing in this regard and does not require review or approval of criteria to declare a site an MPA. The commenter asserted that NOAA and DOI do not need to complete the entire National System of MPAs in order to implement the Executive Order and should proceed now. The commenter also suggested that this be applicable to permit applications to the Army Corps of Engineers.

Response 7: The agencies agree that the entire National System of MPAs does not need to be established in order to implement some parts of the Executive Order. With regard to the List of MPAs, the agencies are of the opinion they are proceeding in a logical fashion and, pursuant to the requirements of the Executive Order, ensuring sufficient involvement of agencies and stakeholders. Until the List of MPAs is prepared, it has no application to activities of federal agencies such as permits.

Comment 8: One commenter recommended not changing the criteria in any significant way that would require states to expend more resources in adding/modifying data that has already been submitted. This commenter would like open discussion of the proposed listing criteria during the development process.

Response 8: The changes to the criteria will not negate or require changes to any data submitted already. The changes to “lasting” are more inclusive and more sites may qualify. The agencies will continue to work with the States and provide support for any additional significant effort needed to address revisions to the criteria. We do not expect those to be significant. The agencies will conduct a public process to develop the criteria to establish the List of MPAs.

Comment 9: One commenter suggested reviewing the criteria before asking states to compile their inventory to ease the workload.

Response 9: See Response 8 regarding criteria change. In addition, the agencies recognize that state participation in this project is voluntary, and have provided NOAA funded data collection interns in

State offices to reduce the workload on existing state staff.

Comment 10: Three commenters expressed concern about the process and time it is taking to complete the Inventory. The commenters suggested that little has been done to implement the Executive Order and are concerned that the **Federal Register** Notice is a deferral of meaningful action—envisioning a lengthy and bureaucratic process that postpones federal action. The commenters urge immediate application of the Executive Order to all sites meeting the general MPA definition of the Executive Order, recommending clear Phase I and Phase II deadlines and moving away from cataloguing to analysis. It was also noted that the database needs to be updated or it will risk misleading the public.

Response 10: The agencies believe it is necessary to complete the cataloguing in order for analyses to have any value. The agencies are developing a plan to move from Phase I (MMA Inventory) to Phase II (MPA List) and will include the public in the process. The agencies do not believe it is feasible to move immediately to the MPA List (see Response 2). The database is being updated continuously. Regarding concerns that little has been done to implement the Executive Order, the agencies note that the Executive Order requires a number of other tasks besides the establishment of the List. Considerable progress continues to be made in such tasks as establishment and maintenance of an MPA information web site, creation and support of the Federal Advisory Committee, and strengthening of existing sites through training, technical assistance, and scientific support, among others.

Comment 11: One commenter suggested that the MMA criteria be refined and the Inventory and database corrected within the next 12 months, and that the corrected Inventory be considered the MPA List, recognizing that the List will be refined as the process advances.

Response 11: See Response 2 concerning the need for the MMA Inventory. In regard to the schedule, the agencies intend the collection of final federal site information and the collection of the majority of State, territorial, and commonwealth site information be completed by mid 2005. Collection of tribal site information will be initiated in FY2005. Actual completion of the inventory of individual federal program and State, territorial, and commonwealth sites will depend upon the time available to them and NOAA to obtain or develop the

necessary information and to complete Quality Assurance/Quality Control process. Information concerning progress on these tasks can be found on <http://www.mpa.gov>.

Comment 12: One commenter recommended that next steps include a determination of how to comply with Section 5 of the Executive Order, the “avoid harm” clause.

Response 12: The Federal Inter-Agency MPA Working Group intends to resume discussion of the process for compliance with Section 5 in FY2005.

Comment 13: One commenter recommended that the MPA Center proceed with the development for the framework for the National System of MPAs, as required by Section 4(e) of the Executive Order.

Response 13: The agencies are conducting a public process for developing the framework. Agency and public meetings will be held on this subject in FY2005.

Comment 14: One commenter suggested that a broad ocean management plan or structure is more important, useful, and successful in addressing marine resource issues than the identification of MMAs or MPAs. The commenter noted that the MPA concept does not address the complex cross-jurisdictional issues of marine resource management or the abundant sources of specialized expertise (including local and traditional knowledge) that should be central to an effective marine resource management structure.

Response 14: NOAA and DOI recognize the value of broad ocean management planning. However, the agencies believe that MPAs can address complex cross-jurisdictional issues of marine resource management and can use abundant sources of specialized expertise, including local and traditional knowledge. While this may not be the case for all MPAs at all governmental levels, at the federal level compliance with the National Environmental Policy Act (NEPA) implicitly requires such considerations. Authorities comparable to NEPA exist in most states. The MMA Inventory and MPA List illuminate complex cross-jurisdictional issues by collecting information from all possible management authorities. Their contents are drawn from abundant and varied sources of expertise including public input and traditional knowledge.

Comment 15: One commenter encouraged the MPA Center to involve New England Fishery Management Council staff and the Council’s MPA Committee on an ongoing basis during the development of MPA listing criteria.

Response 15: NOAA and DOI will conduct a broad, open process for the development of MPA listing criteria. Discussion with Regional Fishery Management Councils and other interested stakeholders will be part of this process.

Comment 16: One commenter expressed concern that NOAA and DOI will develop federally imposed management restrictions for state sites.

Response 16: Executive Order 13158 does not give the federal government the authority to develop or impose federal restrictions on state sites. Section 8(a) of the Executive Order specifically states that “Nothing in this order shall be construed as altering existing authorities regarding the establishment of federal MPAs in areas of the marine environment subject to the jurisdiction and control of States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and Indian tribes.”

Comment 17: One commenter requested that each state determine how to apply definitions to their own State.

Response 17: NOAA and DOI recognize that there are unique circumstances in many states and are working cooperatively with each state to resolve questions about the application of criteria to areas needing extra consideration. The agencies also must ensure the maximum standardization practicable across a nation-wide inventory of federal, State, and tribal sites that will be used for analytical purposes.

Comment 18: One commenter recommended that NOAA and DOI suspend further work on developing criteria until the MPA Federal Advisory Committee can review them.

Response 18: The MPA Federal Advisory Committee members were provided an opportunity to review the draft criteria.

Comment 19: One commenter did not endorse the use of the proposed criteria to determine which sites should be placed on the List of Marine Protected Areas for Phase II.

Response 19: NOAA and DOI will use these criteria only for purposes of placing sites on the MMA Inventory. NOAA and DOI, through the National MPA Center, are conducting an extensive, open public process to define the goals of the National System of MPAs and the associated criteria necessary for a site to be placed on the List of MPAs.

Comment 20: One commenter recommended that the National MPA Center clearly articulate how the

Inventory of MMAs will be used to take the next step of creating an honest assessment of the existing MPAs in U.S. waters.

Response 20: NOAA and DOI, through the National MPA Center, are conducting an extensive, open public process to define the goals of the National System of MPAs and the associated criteria necessary for a site to be placed on the List of MPAs. All sites on the MMA Inventory will be reviewed to determine which qualify for inclusion on the MPA List and to assess whether or not they contribute to the goals of the National System of MPAs.

Comment 21: One commenter recommended that NOAA continue to work with the states on a more useable MMA database, establishing a more robust site that would build upon the information by providing numerous spatially based models for use in management decisions.

Response 21: NOAA and DOI are working with the states individually and through a state working group to maximize the utility of the MMA Inventory database, including the development of specific query functions. There are no plans presently to include spatially based models directly as part of the Inventory. However, such models might be developed in the future by others or as part of the National MPA Center's training, technical assistance, and science functions.

Comment 22: One commenter recommended that the database be as universal as possible so that non-governmental user groups could use the information contained in the database, that proprietary systems and formats be avoided, and that the GIS standard adopted be as universal as possible to allow outside users to use the GIS databases that will be developed.

Response 22: NOAA and DOI are redesigning the query capability for users to access the data on MPA.gov. This new design aims to make data access as simple as possible and widely accessible for use by agencies, non-governmental organizations, academia, students, and the general public. To that end, the use of proprietary information and systems will be minimized.

Comment 23: One commenter recommended that the agencies maintain a regularly updated database in order to provide accurate information for the public.

Response 23: The MPA Center will develop a routine maintenance process to ensure the inventory database is updated as often as is practicable. Individual site records will include the

last date upon which information for that site was reviewed.

Comment 24: One commenter noted that the background and summary section of the **Federal Register** notice omits tribal treaties and associated court cases as well as Executive Orders regarding consultation and coordination with the tribes (E.O. 13175 and E.O. 130830), all of which are of concern in dealing with off-reservation issues that affect tribal treaty rights to a variety of resources with usual and accustomed fishing grounds and stations in the Pacific Northwest.

Response 24: NOAA and DOI will ensure that tribal treaties, court cases, and the two Executive Orders are taken into consideration when taking action under Executive Order 13158.

Comment 25: One commenter noted that the insertion of tribal language into the MMA Inventory and other documents on the MPA web site (mpa.gov) is both incomplete and inconsistent, noting that additional language is needed in the inventory details that refer to ownership and regulatory authority, that National MPA Center documents recognize tribal authority and regulatory responsibility, and the need for the National MPA Center to have a qualified tribal liaison on staff.

Response 25: The agencies acknowledge the need to improve information and reference to tribal authority in their documentation, including the MPA.gov web site. The hiring of a qualified, full time, contracted tribal liaison for the National MPA Center is part of the Center's annual operating plan. Some of the responsibilities of this individual will be to ensure recognition of tribal authorities and regulatory responsibilities in MPA Center documents, to develop a tribal information section of the MPA.gov web site, and to work with the tribes on the development of information about tribal sites for the MMA Inventory.

Comment 26: One commenter noted that federal laws require recognition of tribal treaty rights that secure the taking of marine resources for commercial, subsistence, and ceremonial use and that areas within tribal usual and accustomed fishing grounds and stations are co-managed by tribes' negotiation with relevant State or federal co-managers through a government-to-government basis.

Response 26: NOAA and DOI recognize tribal co-management authorities and the government-to-government relationship.

Comment 27: One commenter stated that the inventory framework lacks the

science-based characteristics that E.O. 13158 calls for (i.e., "develop a scientifically based, comprehensive National System of MPAs"), and that inventorying and monitoring must be in place before any new MPA is created. The inventory process cannot be considered complete until the database comprehensively describes the site in detail sufficient to design monitoring programs.

Response 27: Pertinent site information being collected for the MMA Inventory includes: Site Description (brief description of site including general features and most prominent, noteworthy, and unique features); Additional Location/Size Information (approximate shoreline length, overlap with other protected areas, connectivity with other protected areas); Marine Components (oceans, bays, estuaries, intertidal areas, Great Lakes, submerged lands, and/or other); Natural Features (biological and geological features); and Cultural Features (archaeological remains, historic shipwrecks, subsistence uses); and Effectiveness (measures used to determine management effectiveness). This information is being collected to describe and help understand existing sites, not designate new sites. Regarding the issue of monitoring programs being established prior to the designation of new MPAs, NOAA and DOI cannot take action on this recommendation, as E.O. 13158 does not give NOAA or DOI the authority to designate new MPAs, nor to affect the federal, State, or tribal authorities used to designate and manage MPAs.

Comment 28: One commenter requested that the MPA Center certify that management plans for the sites are scientifically based and comply with requirements for a "Natural Resource Plan."

Response 28: Certifying site management plans is beyond the scope of the MMA Inventory; the Inventory is not in place to evaluate or review site management plans. It is up to the individual sites and managing agencies to evaluate management plans. Further, the National MPA Center does not have the authority under E.O. 13158 to certify the plans of authorized programs.

Comment 29: One commenter suggested including certification for each site showing that the data collected meets NOAA, DOC and DOI Information Quality Guidelines, including a contact person and process for requesting corrections to information.

Response 29: NOAA and DOI will incorporate a statement about this information in the Inventory section of the MPA.gov web site. A contact is

provided on MPA.gov and a process in place to request corrections from the appropriate contact at the agency or program responsible for that data.

Comment 30: One commenter suggested that sites with incomplete information be included in the Inventory and updated as information becomes available.

Response 30: This already is NOAA and DOI policy.

Comment 31: One commenter suggested developing GIS boundary files for sites rather than just centroid points.

Response 31: The NOAA and DOI Inventory Team is actively engaged in obtaining or developing GIS boundary files where the data is available. Centroid points will be used in lieu of GIS boundary files until such files are available.

B. Comments on Proposed Criteria

Comment 1: Two commenters concurred with all of the criteria, definitions, and data fields.

Response 1: No response necessary.

1. Comments on Proposed Criterion "Area"

Comment A: One commenter recommended that a lower limit on the size of an area be added to the criterion.

Response A: NOAA and DOI recognize the value that MMAs may provide to natural or cultural resources regardless of size, for example, areas that protect shipwrecks, and therefore the MMA Inventory does not impose a lower limit on the areas of an MMA.

Comment B: One commenter questioned whether a site must have legally defined geographic boundaries.

Response B: NOAA and DOI require legal boundaries for MMAs to help fulfill the "reserved" criterion that an area be established by and currently subject to federal, State, commonwealth, territorial, local or tribal law or regulation. MMA/MPA management activities, such as enforcement, cannot be conducted if the MMA has no legally defined boundary.

Comment C: One commenter requested clarification of the term "legally defined" (i.e., is a map legal?).

Response C: NOAA and DOI consider boundaries to be legally defined as they are described by a federal, State, commonwealth, territorial, local or tribal law or regulation. A map would be "legal" if it is deemed so under federal, state or tribal authority.

Comment D: One commenter suggested the need for criteria for defining the "significance of resources" as written in section 1 of E.O. 13158.

Response D: NOAA and DOI acknowledge that as a part of the overall

purpose of E.O. 13158, section 1 identifies the need to "protect the significant natural and cultural resources within the marine environment." However, the definition of MPA listed in E.O. 13158, from which the MMA criteria were selected for consistency and are herein defined, does not include criteria for "significance of resource." NOAA and DOI will seek and consider public input on the issue of "significance of resource" through the process to develop the framework for the National System of MPAs pursuant to section 4(e) of E.O. 13158.

Comment E: Several commenters requested clarification of the language to include dynamic area management approaches/sites.

Response E: NOAA and DOI recognize that Dynamic Area Management and other areas with shifting boundaries can provide valuable protections to the marine environment. However, because these areas do not appear in the same place year after year they do not meet the definition of an MMA/MPA and are not considered MMAs for the purposes of this Executive Order.

Comment F: One commenter suggested modifying the criteria by adding the language "underlying submerged or intertidal lands" to the definition.

Response F: The definition of "Marine" addresses this comment.

2. Comment on Proposed Criterion "Marine"

Comment A: Two commenters deem this criterion adequate for the MMA Inventory.

Response A: No response necessary.

Comment B: Several commenters cited unique or unusual circumstances (e.g., species dependent on extreme high tide events, ancient volcanic connections to the sea, or extreme variations in salinity gradients) and recommended that the agencies work with individual States to determine the application of "marine" (including estuarine) along their shorelines.

Response B: The agencies recognize that unique or unusual hydrologic and geologic conditions may exist and the agencies will work with individual States on a case-by-case basis to determine the applicability of the marine criterion to these areas.

Comment C: One commenter noted that the definition is inclusive of federal regulations, but also must recognize tribal jurisdiction authority. Tribal land and associated jurisdiction authority extends to the mean low water level.

Response C: The agencies recognize authority and jurisdiction of the

individual tribes and will work with them to ensure that accurate information is included in the MMA Inventory.

Comment D: One commenter supported the definition of "marine" in the proposal, but suggested that maps explicitly note that upland areas in sites which contain both marine and upland components are not "MMAs" and that the freshwater habitat of anadromous species be excluded from the definition of "estuary."

Response D: Although uplands are not considered part of MMAs, these areas were included on the maps if submitted as part of the source boundary, to maintain data integrity. Eventually, sites can be viewed along with shoreline data to show the marine and terrestrial components. MMA site map boundaries are created with the most recent and accurate boundary information available, but edges and/or borders of boundaries may change due to natural land changes, site boundary modification or higher resolution maps. Therefore, the currency or accuracy of these boundaries, including the precise exclusion of uplands, cannot be guaranteed. The agencies will work with an individual State, commonwealth or territory, on a case-by-case basis, to determine the applicability of the criterion to estuarine areas.

3. Comment on Proposed Criterion "Reserved"

Comment A: Four commenters deem this criterion adequate for the MMA Inventory.

Response A: No response necessary.

4. Comment on Proposed Criterion "Lasting"

Comment A: Three commenters questioned how the three month threshold was chosen, suggesting that significant restrictions for shorter periods could provide protection.

Response A: NOAA and DOI agree shorter periods may provide significant protection for some sites; however, the agencies maintain that the potential for permanence is important. Therefore, in response to comments this criterion has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. In addition, to accommodate the variety of authorities that govern MMA permanence, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for, permanence. Overall, this will increase the number of sites that may be

placed on the MMA Inventory and considered for the National System and List of MPAs. Sites that exist for a single year, or whose protections vary temporally or spatially on a year-to-year basis, would not be included under the modified criterion.

Comment B: Two commenters suggested modification of the definition so that "lasting" is permanent and all year, without a plan to terminate unless a clear alternative is identified, and questioned the reasoning behind the three-month threshold.

Response B: NOAA and DOI disagree that the MMA Inventory should be restricted only to sites with permanent, year-round protection. Since the Inventory sites are intended to be the candidates from which the MPA List will be derived, such a restriction would greatly limit the candidate pool, and not reflect the wide-ranging nature of protective mechanisms used in the marine environment. It also limits the information that will be available for analyses pertaining to defining a National System of MPAs. The agencies do agree; however, that the potential for year-to-year permanence is important. To accommodate the variety of authorities that govern the permanence of MMAs, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence.

Comment C: One commenter requested clarification of the difference between year after year protection and annual management specification, and questioned whether excluding the latter would mean certain fishery closures or areas where activities are restricted due to the presence of endangered species would not be placed on the MMA Inventory.

Response C: Annual management specifications are a type of fishery management technique that, because of the life cycle of the managed species or stock, typically change temporally, spatially or in level or method of protection from year to year; and have little or no potential for permanence. To address this and other comments, the "Lasting" criterion has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. To accommodate the variety of authorities that govern the permanence of MMAs, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. Placement of a particular site on the MMA Inventory

based on the purpose of its restrictions, such as fishery conservation or endangered species recovery, is determined under the "Protection" criterion.

Comment D: One commenter requested that the definition be made more specific as to the inclusion or exclusion of sites established through general fishing regulations. The definition should also highlight the distinction between year-after-year specifications and annual management specifications.

Response D: The "Lasting" criterion is not intended to be used in isolation for placing a site on the MMA Inventory. To focus solely on the temporal characteristics of a particular site, this criterion has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. To accommodate the variety of authorities that govern the permanence of MMAs, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. The distinction between different types of sites based on the purpose for which protections are put in place is a determination made under the "Protection" criterion.

Comment E: One commenter requested clarification of the definition to reflect that year-after-year protection does not mean that the boundaries stay the same.

Response E: We recognize that management of marine resources needs to consider that many species are not tied to a single area for all stages of their life cycle and may require measures that change on a frequent basis. A network of MPAs may be an effective tool to conserve such species as they move to different locations seasonally or during their lifecycle. However, when such species are linked to changing locations, there is no "permanence" to a managed area. Hence, such sites are not considered MMAs for the purposes of this Inventory. This criterion has been modified to allow inclusion of any site providing the same protection of any duration for the same period of time on a multi-year basis. But such protections must be at the same location and established with the expectation of, history of, or at least the potential for permanence.

Comment F: One commenter suggested changing the definition to "must provide year-after-year protection or protection for at least three months of each year."

Response F: In response to comments this criterion has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. In addition, to accommodate the variety of authorities that govern the permanence of MMAs, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. This will increase the number of sites that may be placed on the MMA Inventory and considered for the List of MPAs. Sites that exist for a single year, or whose protections vary temporally or spatially on a year-to-year basis, would not be included under the modified criterion.

Comment G: One commenter expressed concern that an annual three-month closure for single species provides little protection for other species or habitats in that area.

Response G: Depending on the nature of the threat, a year-round closure may not be necessary to provide protection for a particular site or species. On the other hand, narrowly focused restrictions may not offer sufficient protection from all activities that may adversely affect the natural or cultural resources in a specific area. For the purposes of the MMA Inventory, however, NOAA and DOI consider that the extent of protection provided beyond the specific rationale for establishing the MMA should not be a determining factor. While additional species or broader habitat-wide protection may be desirable criteria for the List of MPAs, this criterion has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years, in order to include a larger pool of sites in the MMA Inventory. The agencies further maintain that the potential for year-to-year MMA permanence is important. To accommodate the variety of authorities that govern MMA permanence this criterion has been further modified to provide for the inclusion of sites established with the expectation of, history of, or at least the potential for permanence.

Comment H: Two commenters requested that the definition be loosened to include sites with protections of less than three months to include more sites in the Inventory. One of these commenters also suggested that sites with only annual restrictions be included in the database.

Response H: In response to comments this criterion has been modified to allow

inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. The agencies maintain that the potential for year-to-year MMA permanence is important. To accommodate the variety of authorities that govern MMA permanence this criterion has been further modified to provide for the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. Sites that exist for a single year, or whose protections vary temporally or spatially on a year-to-year basis would not be included under the modified criterion. See also *Response E* above.

Comment I: Three commenters questioned the exclusion of areas protected only by emergency fishery regulations under the Magnuson-Stevens Fishery Conservation and Management Act or other authorities, which may begin as temporary measures, but are then followed by permanent designations; two of these commenters also stated that the “year-after-year protection” requirement could be problematic depending on how the term “protection” is treated.

Response I: NOAA and DOI believe that the “Lasting” criterion, as modified, will address situations in which a site has been established under emergency rule, or other authority, for less than two consecutive years and is subsequently amended to a longer term or made permanent. The term “protection” is treated under the “Protection” criterion.

Comment J: One commenter noted that fish conservation areas are regularly identified and maintained through annual management processes, and that such areas must be included within the “Lasting” definition. The example currently provided under the proposed definition would exclude a local fish conservation area that has existed for more than a decade.

Response J: The MMA Inventory definition of “Lasting” has been modified to allow inclusion of any site providing the same protection of any duration within a year, at the same location on the same dates each year, for at least two consecutive years. The agencies maintain that the potential for permanence is important; however, and to accommodate the variety of authorities that govern MMA permanence, this criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. NOAA and DOI believe that these changes will address situations in which a site has been

established for a single year and is renewed in subsequent years. Sites whose protections vary temporally or spatially on a year-to-year basis, or whose protections have expired, would not be included on the MMA Inventory.

Comment K: One commenter recommended the “Lasting” definition include language requiring a cooperative management process between the tribes and other marine resource managers.

Response K: NOAA and DOI disagree. The “Lasting” definition is intended to focus solely on the temporal characteristics of a particular site. Requiring a cooperative management process between any marine resource management entities is not appropriate under this definition. In addition, such a requirement is beyond the scope of the MPA Executive Order and not warranted under the other definitions proposed for MMA Inventory criteria. Information on MMA management, including level of government and management organizations, is captured in several of the data fields proposed for the MMA Inventory.

5. Comment on Proposed Criterion “Protection”

Comment A: One commenter deems this criterion adequate for the MMA Inventory.

Response A: No response necessary.

Comment B: One commenter supported relaxing the criterion to include areas with restrictions on single species.

Response B: Single-species sites can be placed on the MMA Inventory under the proposed criteria.

Comment C: One commenter requested clarification on why areas closed to avoid fishing gear conflicts and those subject to area-based regulations that are established only to facilitate enforcement or to limit fisheries by quota management are excluded from the “protection” definition.

Response C: The MMA Inventory is intended to serve as the pool of candidate sites for development of the List of MPAs called for under the Executive Order. As such, the criterion is designed to identify only those sites established with a primary purpose of long-term conservation to meet the intent of the Order. While areas closed to avoid gear conflicts, facilitate enforcement or for other purposes may also contribute to long-term conservation, this is not their primary purpose. NOAA and DOI acknowledge that such sites of high ecological value may provide some conservation

benefits; however, NOAA and DOI will not include these sites as “MPAs”.

Comment D: One commenter expressed concern regarding the omission of certain area-based management measures under the proposed criterion and suggested the addition of an appendix listing area-based closures/management measures, and including a statistic, such as the percent of the EEZ under protection with such measures. The commenter states that without this, it gives a distorted picture of the extent of marine resource protections.

Response D: NOAA and DOI agree that the criterion, as proposed, may not capture all area-based management efforts in the marine environment. To make the MMA Inventory better reflect the broad range of protective restrictions used to manage marine resources and provide a broader pool of sites from which the List of MPAs will ultimately be drawn, the definition of “lasting” has been modified. However, even with this change some sites still may not be included in the MMA Inventory. NOAA and DOI believe that the MMA Inventory must differentiate between sites established for conservation and sites established for other, possibly conflicting purposes. As the MMA Inventory is intended to provide the pool of candidate sites for the List of MPAs, including every area-based management action for every governmental entity with authority over activities in the marine environment would result in an excessively broad and potentially misleading collection of sites. The purpose of the proposed MMA criteria is to narrow the multitude of sites to those with potential for inclusion on the List of MPAs. An appendix is not practicable within the current MMA database structure. Because of the varying degrees of protection and considerable spatial overlap amongst the types of MPAs, statistics may not effectively describe levels of protection and may be misinterpreted. NOAA and DOI are performing a parallel effort of resource characterization and statistical information may be captured by this activity.

Comment E: One commenter requested that protections offered at each site be explicitly stated.

Response E: The MMA Inventory is not designed to replace official agency sources for site-specific information. The MMA database includes fields for each site that reference the statutory and regulatory provisions that provide protection for its natural or cultural resources, as well as briefly summarize the area’s primary restrictions. Readers

desiring the precise regulations for a particular site are directed to the appropriate source (e.g., Code of Federal Regulations, state fish and game code, etc.). Every effort will be made to keep the information in the MMA database as current as possible.

Comment F: One commenter remarked that distinguishing those areas that provide increased protection beyond any general protections that apply outside the site is problematic and subjective and recommended that individual States determine how to apply this term within their jurisdiction.

Response F: The provision is intended to recognize that a number of spatially wide-ranging provisions have been put in place to protect marine resources and differentiate them from the more focused protections envisioned for the MMA Inventory. For example, discharge of certain substances is prohibited throughout the entire U.S. EEZ (e.g., discharge of plastics) or the use of certain types of fishing gear is prohibited over very expansive ocean areas (e.g., prohibition of fish traps in the South Atlantic EEZ). This provision supports the "Area" criterion's exclusion of broad-based resources management authorities. NOAA and DOI recognize that there are unique circumstances in many states and are working cooperatively with each state to resolve questions about the application of the MMA criteria to areas needing extra consideration. The agencies also must ensure the maximum standardization practicable across a nation-wide inventory of federal, State, and tribal sites that will be used for analytical purposes.

Comment G: One commenter requested that areas closed to prevent fishing gear conflicts, established only to limit fisheries through quota management, or intended to facilitate enforcement be included in the initial MMA Inventory, as these areas have valuable conservation benefits.

Response G: See Response C.

Comment H: One commenter supported the inclusion of protecting subsistence uses in the marine environment and the protection of access by tribes for cultural, ceremonial and harvest activities.

Response H: The "Protection" definition is intended to reflect the MPA Executive Order's emphasis on the long-term conservation of natural and cultural resources within the marine environment. The agencies believe that only restricting access to these resources to specific groups or individuals, without additional provisions to protect the natural or cultural resources of a

particular site, is not sufficient to meet the "Protection" criterion.

6. Comment on Proposed Definition of "Cultural"

Comment A: Two commenters support this definition, while encouraging the acknowledgment of subsistence uses as manageable and legitimate uses of marine resources.

Response A: NOAA and DOI recognize the cultural value and importance of subsistence uses and they will be addressed thoroughly and appropriately along with other activities in and uses of the marine environment. After further consideration of comments and input from all sources, NOAA and DOI have determined that subsistence use will not be included under the definition of cultural resource. The primary purpose of MMAs is to protect and conserve tangible physical resources, sites, and objects, such as individual species, communities of marine life, shipwrecks, and archaeological sites and such sites must meet all five criteria (area, marine, reserved, lasting and protection). The inclusion of subsistence use as a cultural resource is inconsistent with this approach because it is a human activity rather than a physical or tangible asset. Subsistence use of the marine environment is a very important aspect to consider and as such NOAA and DOI believe it will receive the most effective treatment under Section 4(a)(6) of the Executive Order where conflicts between user groups are addressed. This offers the best option to address opportunities for subsistence use in the competition among recreational, commercial, industrial and traditional uses for access to the same resources or areas.

Comment B: One commenter supports the application of the cultural resources term to physical sites or objects as well as to subsistence activities in, or uses of, the marine environment.

Response B: See Response A.

Comment C: One commenter recommended limiting inclusion to historical or cultural sites of "national significance" in line with the Historic Sites Act of 1935.

Response C: NOAA and DOI have determined that the MMA Inventory should be inclusive, containing all submerged historical or cultural sites presently protected by area-based management in order to support future analyses related to establishment of the National System of MPAs. The agencies will consider the Historic Sites Act of 1935 when developing criteria for the inclusion of sites on the List of MPAs.

Comment D: One commenter suggested creating a method for determining which shipwrecks would be considered a "cultural resource" and therefore included in the Inventory (to be consistent with other criteria that have limitations).

Response D: NOAA and DOI have determined that the MMA Inventory should be inclusive, containing all submerged historical or cultural sites presently protected by area-based management in order to support future analyses related to establishment of the National System of MPAs. Subsequent criteria to determine the types of "cultural resources" to be included in the National System of MPAs will be developed in later phases of this process.

Comment E: One commenter suggested that the proposed definition is viewed as recognizing the subsistence use for maintaining the culture of the Inuit.

Response E: See Response A.

Comment F: One commenter recommended that the definition be modified to state: "Areas of traditional subsistence use in the marine environment, and areas that contain submerged historical sites, including archaeological sites, historic structures, shipwrecks and artifacts."

Response F: See Response A.

Comment G: One commenter requested the removal of "subsistence use" from the definition, stating that it is not a resource but an activity and inconsistent with the Executive Order.

Response G: NOAA and DOI agree with this recommendation regarding subsistence as a use. See Response A. As indicated, the agencies have determined that subsistence use is addressed in another part of the Executive Order.

Comment H: Two commenters recommended that "subsistence use" be further defined to only include areas in which subsistence uses are practiced using traditional and customary gear and methods that have been also determined to be long-term sustainable fisheries.

Response H: See Response A.

Comment I: One commenter requested clarification of how the definition applies to areas with enforceable policies that protect subsistence use but do not have specific boundaries.

Response I: Sites that do not have specific boundaries do not meet the "area" criterion of the MMA definition. See also Response A.

Comment J: One commenter encouraged the recognition of subsistence activities as legitimate and manageable uses of marine resources.

Response J: See Response A.

7. Comments on proposed MMA Inventory Data Fields

Comment A: One commenter deems these data fields adequate for the MMA Inventory.

Response A: No response necessary.

Comment B: One commenter suggested that fields be pre-defined when possible and available as drop downs to minimize data entry and standardize responses.

Response B: NOAA and DOI note that this is already the case and will continue to be so for data entry, editing and query.

Comment C: One commenter suggested including a pick list and a free text form for the Purpose of Protections field.

Response C: NOAA and DOI note that the database currently has a text form for this field and an extensive section for categorically listing resources and how they are protected.

Comment D: One commenter suggested identifying dates including when the information was compiled, and when MPA Center staff last reviewed the information.

Response D: NOAA and DOI will include the date that the program contact, known as the data owner, gives approval for the data submitted. The data submitted are reviewed by the NOAA/DOI Inventory Team prior to final approval from the program. MPA.gov will include the date of most recent updates from the data owners.

Comment E: Two commenters raised concerns about data analysis and preventing misinterpretation or skewed interpretation of the data.

Response E: NOAA and DOI are taking precautions to represent the data as accurately as possible and will include disclaimers where appropriate.

Comment F: Several commenters suggested adding data field categories including location, natural features, site programs and plans, primary restrictions, enforcement, type and intensity of human uses, habitat type, substrate type, boating activities, and fishing activities.

Response F: NOAA and DOI note that the data questionnaire already includes all of these fields.

Comment G: One commenter suggested including a field for nearest counties or boroughs.

Response G: NOAA and DOI have determined that this information is not currently necessary for the purposes of the MMA Inventory. However, each state is welcome to use the information from the Inventory in combination with

its county or borough system for individual analysis.

Comment H: One commenter suggested adding ocean currents, upwellings, and freshwater inputs as data field categories for the Inventory.

Response H: The Inventory currently includes a text field for natural features where this information may be entered; however, adding a specific field for entry of this kind of data is currently beyond the scope of the MMA Inventory. Such information may be collected as part of the National Marine Protected Area Center's regional resource characterization work, another task associated with the design of the framework for a National System of MPAs.

Comment I: One commenter suggested that natural features be used as "site boundaries".

Response I: The answer section for this question is currently a text field. Specific natural features can be entered into this box as site boundaries if needed.

Comment J: One commenter suggested that the enforcement field clarify that information on community programs that assist formal state or federal efforts is useful.

Response J: NOAA and DOI acknowledge that this data is not specifically requested, but also note that this is a text field in which descriptive information can be included if needed.

Comment K: One commenter suggested that "Purpose of Protections" be changed to "Purpose of the MMA" and that request information be modified accordingly to include a broad and comprehensive List of MMAs, many of which may have multiple purposes for being established.

Response K: NOAA and DOI will retain the data field title of Purpose of Protections and note that the Inventory contains information on sites whose primary purpose is protection of natural or cultural resources. The database includes a broad range of information and therefore covers a broad and comprehensive List of MMAs.

Comment L: One commenter suggested that "Primary Restrictions" be changed to "Management Program" and that information presented should identify major components of the management measures in place in the MMA, to provide a more comprehensive picture of what MMAs are set up to do.

Response L: NOAA and DOI note that a separate data field provides information on the programs, activities, capacities, and measures that are currently being used to manage a site. Therefore NOAA and DOI will retain

the data field title of Primary Restrictions.

Comment M: Two commenters asked about the "effectiveness" data field regarding the identification of the date the site last evaluated effectiveness and how this information would be used to determine if the site were effective.

Response M: NOAA and DOI note that the effectiveness data field does not ask "how effective is the site?" but rather if the site has effectiveness measures in place.

Comment N: One commenter suggested interactive GIS tools and greater flexibility and functionality in the Query the Inventory section of MPA.gov to include easier searching across categories and within categories.

Response N: NOAA and DOI are currently planning a major overhaul of the Query the Inventory section encompassing these and other new improvements (interactive mapping, pdf on the fly, and direct download of data sets and shape files).

C. Changes to the Proposed Criteria

Area: This criterion remains the same as the text is written in the original **Federal Register** Notice (FRN).

Marine: This criterion remains the same as the text is written in the original FRN.

Reserved: This criterion remains the same as the text is written in the original FRN.

Lasting: In response to comments this criterion has been modified to allow inclusion of any site providing the same protection of any duration for the same period of time at the same location for a minimum of two consecutive years. This criterion has been further modified to allow the inclusion of sites established with the expectation of, history of, or at least the potential for permanence. This will increase the number of sites that may be placed on the MMA Inventory and considered for the National System and List of MPAs. Sites that exist for a single year, or whose protections vary temporally or spatially on a year-to-year basis, would not be included under the modified criterion.

Protection: This criterion remains the same as the text is written in the original FRN except additional clarification and examples are given regarding its application.

Cultural: In response to comments this criterion has been modified to delete subsistence from the definition of cultural resource. The primary purpose of MMAs is to protect and conserve tangible physical resources, sites and objects, such as individual species, communities of marine life, shipwrecks,

and archaeological resources. The inclusion of subsistence use as a cultural resource is inconsistent with this approach because it is a human activity rather than a physical or tangible asset. Subsistence use of the marine environment is a very important aspect to consider. However, NOAA and DOI believe it will receive the most effective treatment under Section 4(a)(6) of the Executive Order where conflicts between user groups are addressed. This offers the best option to address opportunities for subsistence use in the competition among recreational, commercial, industrial and traditional uses for access to the same resources or areas.

D. Final MMA Inventory Criteria and Data Fields

Area: Must have legally defined geographical boundaries, and may be of any size, except that the site must be a subset of the U.S. federal, State, commonwealth, territorial, local or tribal marine environment in which it is located. Application of this criterion would exclude, for example, generic broad-based resource management authorities without specific locations and areas whose boundaries change over time based on species presence.

Marine: Must be: (a) ocean or coastal waters (note: Coastal waters may include intertidal areas, bays or estuaries); (b) an area of the Great Lakes or their connecting waters; (c) an area of lands under ocean or coastal waters or the Great Lakes or their connecting waters; or (d) a combination of the above. The term "intertidal" is understood to mean the shore zone between the mean low water and mean high water marks. An MMA may be a marine component part of a larger site that includes uplands. However, the terrestrial portion is not considered an MMA. For mapping purposes, an MMA may show an associated terrestrial protected area.

NOAA and DOI intend to use the following definition for the term "estuary": "Part of a river or stream or other body of water having unimpaired connection with the open sea, where the sea water is measurably diluted with fresh water derived from land drainage, and extending upstream to where ocean-derived salts measure less than 0.5 parts per thousand during the period of average annual low flow." Application of this criterion would exclude, for example, strictly freshwater sites outside the Great Lakes region that contain marine species at certain seasons or life history stages unless that site is a component of a larger, multi-unit MMA. However, upon request the

agencies will work with individual states, commonwealths and territories to examine unique conditions which may affect applicability of the term "estuary". Estuarine-like sites on tributaries of the Great Lakes will be considered for inclusion if they are located within the eight-digit U.S. Geological Survey cataloging unit adjacent to a Great Lake or its connecting waters.

Reserved: Must be established by and currently subject to federal, state, commonwealth, territorial, local or tribal law or regulation. Application of this criterion would exclude, for example, privately created or maintained marine sites.

Lasting: Must provide the same protection, for any duration within a year, at the same location on the same dates each year, for at least two consecutive years.

Must be established with an expectation of, history of, or at least the potential for permanence.

Application of this criterion would exclude, for example: Areas subject only to temporary protections, such as areas protected only by emergency fishery regulations under the Magnuson-Stevens Act, which expire after 180 days.

Protection: To be included in the MMA Inventory, the site:

Must have existing laws or regulations that are designed and applied to afford the site with increased protection for part or all of the natural and submerged cultural resources therein for the purpose of maintaining or enhancing the long-term conservation of these resources, beyond any general protections that apply outside the site.

Application of this criterion would exclude restricted areas that are established for purposes other than conservation. For example, the term would not include areas closed for navigational safety, areas closed to safeguard modern man-made structures (e.g., submarine cable no-anchor zones), polluted shellfish-bed closure areas, areas closed to avoid fishing gear conflicts, and areas subject to area-based regulations that are established solely to limit fisheries by quota management or to facilitate enforcement.

Cultural: In addition, the Executive Order uses the term cultural resources. NOAA and DOI interpret this to mean any submerged historical or submerged cultural feature, including archaeological sites, historic structures, shipwrecks, and artifacts in the marine environment.

Taken together, these six definitions and criteria provide the basis for

selecting sites to be included in the MMA Inventory.

MMA Inventory Data Fields

The MMA Inventory database consists of 35 main fields divided into 5 main topic sections. These inventory fields are used to gather site-specific information including (but not limited to) site description, legal authorities, management tools, habitat information, species information, location, and size. Please refer to MPA.gov "inventory database description" web page at http://www.mpa.gov/inventory/database_description.html for full list and explanation of the data fields.

Dated: December 29, 2004.

Conrad C. Lautenbacher, Jr.,

Under Secretary of Commerce for Oceans and Atmosphere.

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COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Request for Public Comments on a Commercial Availability Request under the Caribbean Basin Trade Partnership Act (CBTPA)

January 19, 2005.

AGENCY: The Committee for the Implementation of Textile Agreements (CITA)

ACTION: Request for public comments concerning a request for a determination that certain yarns, for use in chief-weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner under the CBTPA

SUMMARY: On January 14, 2005 the Chairman of CITA received a petition from Sandler, Travis & Rosenberg, P.A., on behalf of Outlast Technology, Inc. of Boulder, CO and Bernette Textile Co, LLC of New York, NY, alleging that certain colored open end spun yarns ranging in size from 6/1 to 18/1 English count (10.16/1 to 30.47/1 metric) of a blend of reclaimed and reprocessed cotton and not less than 35 percent nor more than 49 percent by weight of Outlast licensed phase change acrylic staple fibers produced under license from Outlast, for use in chief weight cotton sweaters, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requests that such apparel made from such yarn be eligible for preferential treatment under the CBTPA. This is a refiling of a previous petition regarding the subject yarn. CITA hereby solicits